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EXPLANATION.

- Harbor,
- Lake Planked Streets,
- City Hall,
- Post Office,
- Custom House,
- Banded Ware House,
- Telegraph,
- Tail,
- State Marine Hospital,
- Harbor Master's Office,
- Water Reservoirs,
- 168 Wards,

- a First Baptist Church,
- b Presbyterian Church,
- c Congregational Church,
- d Trinity Church,
- e Methodist Episcopal Church,
- f Grace Chapel,
- g Roman Catholic Chapel,
- h New Congregational Church,
- i Baptist Church,
- j Catholic Church,
- k Presbyterian Church,
- l Methodist Episcopal Church,
- n Baptist Church,

Line of
Lagoon
Turkine or Presidio Ranch.



MAP
OF
SAN FRANCISCO

Light of B. F. Butler.
For the Corporation Manual.

Scale

ВЪ СЕВЕРНОМЪ ПОЛУШАРІИ
ПОДЪ ПРАВОСЛАВНЫМЪ КРЕЩЕНІЕМЪ
ПОДЪ ПРАВОСЛАВНЫМЪ КРЕЩЕНІЕМЪ

ВЪ СЕВЕРНОМЪ ПОЛУШАРІИ

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ПОДЪ ПРАВОСЛАВНЫМЪ КРЕЩЕНІЕМЪ



MAP
OF THE
NORTHERN PORTION
OF
SAN FRANCISCO COUNTY
Compiled from Surveys
— JUNE 1st 1852 —
by **CLEMENT HUMPHREYS** County Surveyor
JANUARY 1853
SCALE
0 20 40 60 80 100 120 140 160
Furlongs Miles

MANUAL
OF THE
CORPORATION
OF THE
CITY OF SAN FRANCISCO,

CONTAINING
A MAP OF THE CITY;

THE
DECLARATION OF INDEPENDENCE; THE CONSTITUTION OF THE UNITED STATES;
THE CONSTITUTION OF THE STATE OF CALIFORNIA: THE CHARTERS OF THE
CITY; THE REVISED ORDINANCES; THE GENERAL REPEALING ORDINANCES;
THE ORDINANCES STILL IN FORCE, AND CERTAIN LAWS
RELATING PARTICULARLY TO THE CITY OF SAN FRANCISCO.

MAY 6 - 1948

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1852.

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УДАЛЕНИ ОУДАЧА 7 2

DECLARATION OF INDEPENDENCE.

JULY 4, 1776.

WHEN, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies, and such is now the necessity which constrains them to alter their former systems of government. The history of the present king of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment

of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world:—

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and, when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature—a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the repository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise—the state remaining, in the meantime, exposed to all the dangers of invasion from without and convulsions within.

He has endeavored to prevent the population of these States—for that purpose obstructing the laws of naturalization of foreigners, refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices and the amount of payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of, and superior to, the civil power.

He has combined with others, to subject us to a jurisdiction, foreign to our constitution, and unacknowledged by our laws—giving his assent to their acts of pretended legislation.

For quartering large bodies of armed troops among us;

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States;

For cutting off our trade with all parts of the world ;
For imposing taxes on us without our consent ;
For depriving us, in many cases, of the benefits of trial by jury ;
For transporting us beyond seas to be tried for pretended offences ;
For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies ;

For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the *forms* of our governments ;

For suspending our own legislatures, and declaring themselves invested with power to legislate for us, in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries, to complete the works of death, desolation and tyranny, already begun, with circumstances of cruelty and perfidy, scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections among us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions, we have petitioned for redress in the most humble terms. Our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts, by their legislature, to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They, too, have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the

necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace, friends.

We, therefore, the representatives of the United States of America, in general Congress assembled, appealing to the Supreme Judge of the World for the rectitude of our intentions, do, in the name, and by the authority of the good people of these colonies, solemnly publish and declare that these united colonies are, and of right ought to be, free and independent states; that they are absolved from all allegiance to the British crown, and that all political connexion between them and the state of Great Britain is, and ought to be, totally dissolved; and that, as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

The foregoing declaration was, by order of Congress, engrossed and signed by the following members:—

John Adams,	Thomas Lynch, jr.,
Samuel Adams,	Thomas M'Kean,
Josiah Bartlett,	Arthur Middleton,
Carter Braxton,	Lewis Morris,
Charles Carroll, of Carrollton,	Robert Morris,
Samuel Chase,	John Morton,
Abraham Clark,	Thomas Nelson, jr.,
George Clymer,	William Paca,
William Ellery,	Robert Treat Paine,
William Floyd,	John Penn,
Benjamin Franklin,	George Read,
Elbridge Gerry,	Cæsar Rodney,
Button Gwinnet,	George Ross,
Lyman Hall,	Benjamin Rush, M. D.,
John Hancock,	Edward Rutledge,
Benjamin Harrison,	Roger Sherman,
John Hart,	James Smith,
Thomas Heyward, jr.,	Richard Stockton,
Joseph Hewes,	Thomas Stone,
William Hooper,	George Taylor,

Stephen Hopkins,
Francis Hopkison,
Samuel Huntington,
Thomas Jefferson,
Francis Lightfoot Lee,
Richard Henry Lee,
Francis Lewis,
Philip Livingston,

Matthew Thornton,
George Walton,
William Whipple,
William Williams,
James Wilson,
John Witherspoon,
Oliver Wolcott,
George Wythe.

CONSTITUTION OF THE UNITED STATES.

PREAMBLE.

WE, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

OF THE LEGISLATIVE POWER.

Section 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

OF THE HOUSE OF REPRESENTATIVES.

Section 2. The house of representatives shall be composed of members chosen every year by the people of the several states, and the elector in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant in that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a

term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and, until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the representation from any state, the executive authority shall issue writs of election to fill such vacancies.

The house of representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

OF THE SENATE.

Section 3. The Senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

The vice-president of the United States shall be president of the senate, but shall have no vote, unless they be equally divided.

The senate shall choose their other officers, and have a president pro tempore, in the absence of the vice-president, or when he shall exercise the office of President of the United States.

The senate shall have the sole power to try all impeachments: When sitting for that purpose, they shall be on oath or affirmation. When

the President of the United States is tried, the chief justice shall preside: And no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

MANNER OF ELECTING MEMBERS.

Section 4. The times, places, and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing senators.

CONGRESS TO ASSEMBLE ANNUALLY.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

POWERS.

Section 5. Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business: but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one fifth of those present, be entered on the journal.

Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

COMPENSATION, ETC., OF MEMBERS.

Section 6. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

MANNER OF PASSING BILLS, ETC.

Section 7. All bills for raising revenue shall originate in the house of representatives; but the senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the house of representatives and the senate, shall, before it become a law, be presented to the president of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the president within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote, to which the concurrence of the senate and house of representatives may be necessary (except on a question of adjournment), shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be re-passed by

two thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

POWER OF CONGRESS.

Section 8. The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States ; but all duties, imposts and excises shall be uniform throughout the United States ;

To borrow money on the credit of the United States ;

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes ;

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States ;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures ;

To provide for the punishment of counterfeiting the securities and current coin of the United States ;

To establish post-offices and post-roads ;

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries ;

To constitute tribunals inferior to the supreme court ;

To define and punish piracies and felonies committed on the high seas, and offences against the law of nations ;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water ;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years ;

To provide and maintain a navy ;

To make rules for the government and regulation of the land and naval forces ;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions ;

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress ;

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of gov-

ernment of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings ;—and

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

LIMITATION OF THE POWERS OF CONGRESS.

Section 9. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or ex post facto law shall be passed.

No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another: nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law ; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States: and no person holding any office of profit or trust under them, shall, without the consent of Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State.

LIMITATION OF THE POWERS OF THE INDIVIDUAL STATES.

Section 10. No State shall enter into any treaty, alliance, or confederation ; grant letters of marque and reprisal ; coin money ; emit bills of credit ; make anything but gold and silver coin a tender in payment of debts ; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws : and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States ; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war, in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

EXECUTIVE POWER.

Section 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice-President, chosen for the same term, be elected as follows :

MANNER OF ELECTING.

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the State may be entitled in the Congress : but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant with the same State as themselves. And they shall make a list of all the persons voted for, and of the number of votes for each ; list which they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed ; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of

them for President ; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote ; a quorum for this purpose shall consist of a member or members, from two thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.]

TIME OF CHOOSING ELECTORS.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes ; which day shall be the same throughout the United States.

WHO ELIGIBLE.

No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this constitution, shall be eligible to the office of President ; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been fourteen years a resident within the United States.

WHEN THE PRESIDENT'S POWER DEVOLVES ON THE VICE-PRESIDENT.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

PRESIDENT'S COMPENSATION.

The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

OATH.

Before he enter on the execution of his office, he shall take the following oath or affirmation :—" I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

POWERS AND DUTIES.

Sec. 2. The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States ; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur ; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law : but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Sec. 3. He shall, from time to time, give to the Congress information of the State of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient ; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper ; he shall receive ambassadors and other public ministers ; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

NEW STATES.

Sec. 3. New States may be admitted by the Congress into this Union ; but no new State shall be formed or erected within the jurisdiction of any other State ; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned as well as of the Congress.

TERRITORIAL AND OTHER PROPERTY.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States ; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

Sec. 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion ; and on application of the Legislature, or of the Executive, (when the Legislature cannot be convened,) against domestic violence.

ARTICLE V.

AMENDMENTS.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress ; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article ; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

DEBTS.

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the confederation.

SUPREME LAW OF THE LAND.

This Constitution, and the Laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the Judges in every State shall be bound thereby, anything in the Constitution or Laws of any State to the contrary notwithstanding.

OATH.—NO RELIGIOUS TEST.

The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound, by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the convention of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in convention by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names.

GEO. WASHINGTON,
President, and Deputy from Virginia.

<i>New Hampshire.</i>	<i>Pennsylvania.</i>	<i>Virginia.</i>
John Langdon,	Benjamin Franklin,	John Blair,
Nicholas Gilman.	Thomas Mifflin,	James Madison, Jr.,
	Robert Morris,	
<i>Massachusetts.</i>	George Clymer,	<i>North Carolina.</i>
Nathaniel Gorham,	Thomas Fitzsimons,	William Blount,
Rufus King.	Jared Ingersoll,	Richard Dobbs Spaight,
	James Wilson,	Hugh Williamson.
<i>Connecticut.</i>	Gouverneur Morris.	
William Sam'l Johnson,		<i>South Carolina.</i>
Roger Sherman.	<i>Delaware.</i>	John Rutledge,
	George Reed,	Charles C. Pinckney,
<i>New York.</i>	Gunning Bedford, jr.,	Charles Pinckney,
Alexander Hamilton.	John Dickinson,	Pierce Butler.
	Richard Bassett,	
<i>New Jersey.</i>	Jacob Broom.	<i>Georgia.</i>
William Livingston,		William Few,
David Brearly,	<i>Maryland.</i>	Abraham Baldwin.
William Paterson,	James M'Henry,	
Jonathan Dayton.	Daniel of St. Tho. Jenifer,	
	Daniel Carroll.	

Attest :

WILLIAM JACKSON, *Secretary.*

AMENDMENTS

TO THE CONSTITUTION OF THE UNITED STATES, RATIFIED ACCORDING
TO THE PROVISIONS OF THE FIFTH ARTICLE OF
THE FOREGOING CONSTITUTION.

FREE EXERCISE OF RELIGION, &C.

Article the First. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof ; or abridging the freedom of speech, or of the press ; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

RIGHT TO BEAR ARMS.

Article the Second. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

NO SOLDIER TO BE BILLETED, &C.

Article the Third. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner ; nor in time of war, but in a manner to be prescribed by law.

UNREASONABLE SEARCHES PROHIBITED.

Article the Fourth. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

CRIMINAL PROCEEDINGS.

Article the Fifth. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

MODE OF TRIAL.

Article the Sixth. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

RIGHT OF TRIAL BY JURY.

Article the Seventh. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact, tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

BAIL, FINES.

Article the Eighth. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

RIGHTS NOT ENUMERATED.

Article the Ninth. The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

POWERS RESERVED.

Article the Tenth. The powers not delegated to the United States, by the Constitution, nor prohibited by it, to the States, are reserved to the States respectively, or to the people.

[The following amendment was proposed at the second session of the third Congress. It is printed in the Laws of the United States, 1st vol., p. 73, as Article 11.]

LIMITATION OF JUDICIAL POWER.

Article the Eleventh. The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

[The three following sections were proposed as amendments at the first session of the eighth Congress. They are printed in the Laws of the United States as Article 12.]

ELECTION OF PRESIDENT.

Article the Twelfth. The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate;—the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted;—the person having the greatest number of votes for President, shall be the President, if such a number be a majority of the whole number of electors appointed; and if no person have such a majority, then from the persons having the highest numbers, not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation

from each State having one vote ; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President ; a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

NOTE.—Another amendment was proposed as Article xiii., at the second session of the eleventh Congress, but not having been ratified by a sufficient number of States, has not yet become valid as a part of the Constitution of the United States. It is erroneously given as a part of the Constitution, in page 74, vol. i., Laws of the United States.

CONSTITUTION

OF THE

STATE OF CALIFORNIA.

PROCLAMATION TO THE PEOPLE OF CALIFORNIA.

The delegates of the people assembled in Convention have formed a Constitution, which is now presented for your ratification. The time and manner of voting on this Constitution, and of holding the first general election, are clearly set forth in the schedule; the whole subject is therefore left for your unbiased and deliberate consideration.

The Prefect (or person exercising the functions of that office) of each District will designate the places for opening the polls, and give due notice of the election, in accordance with the provisions of the Constitution and Schedule.

The people are now called upon to form a Government for themselves, and to designate such officers as they desire to make and execute the laws. That their choice may be wisely made, and that the government so organized may secure the permanent welfare and happiness of the people of the new State, is the sincere and earnest wish of the present Executive, who, if the Constitution be ratified, will, with pleasure, surrender his powers to whomsoever the people may designate as his successor.

Given at Monterey, California, this 12th day of October, A. D. 1849.

B. RILEY,
Bvt. Brig. Gen'l U. S. A., and Governor of California.

OFFICIAL: H. W. HALLECK,
Brev. Capt. and Secretary of State.

We, the People of California, grateful to Almighty God for our freedom, in order to secure its blessings, do establish this Constitution.

ARTICLE I.

DECLARATION OF RIGHTS.

Section 1. All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing and protecting property; and pursuing and obtaining safety and happiness.

Sec. 2. All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people; and they have the right to alter or reform the same, whenever the public good may require it.

Sec. 3. The right of trial by jury shall be secured to all, and remain inviolate for ever; but a jury trial may be waived by the parties, in all civil cases, in the manner to be prescribed by law.

Sec. 4. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall for ever be allowed in this State; and no person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief; but the liberty of conscience, hereby secured, shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

Sec. 5. The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require its suspension.

Sec. 6. Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel or unusual punishments be inflicted, nor shall witnesses be unreasonably detained.

Sec. 7. All persons shall be bailable by sufficient sureties; unless for capital offences, when the proof is evident or the presumption great.

Sec. 8. No person shall be held to answer for a capital or otherwise infamous crime (except in cases of impeachment, and in cases of militia when in actual service, and the land and naval forces in time of war, or which this State may keep with the consent of Congress in time of peace, and in cases of petit larceny under the regulation of the Legislature) unless on presentment or indictment of a grand jury;

and in any trial in any court whatever, the party accused shall be allowed to appear and defend in person and with counsel, as in civil actions. No person shall be subject to be twice put in jeopardy for the same offence ; nor shall he be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law ; nor shall private property be taken for public use without just compensation.

Sec. 9. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right ; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions on indictments for libels, the truth may be given in evidence to the jury ; and if it shall appear to the jury that the matter charged as libellous is true, and was published with good motives and for justifiable ends, the party shall be acquitted ; and the jury shall have the right to determine the law and the fact.

Sec. 10. The people shall have the right freely to assemble together, to consult for the common good, to instruct their representatives, and to petition the Legislature for redress of grievances.

Sec. 11. All laws of a general nature shall have a uniform operation.

Sec. 12. The military shall be subordinate to the civil power. No standing army shall be kept up by this State in time of peace ; and in time of war no appropriation for a standing army shall be for a longer time than two years.

Sec. 13. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner ; nor in time of war, except in the manner to be prescribed by law.

Sec. 14. Representation shall be apportioned according to population.

Sec. 15. No person shall be imprisoned for debt, in any civil action on *mesne* or final process, unless in cases of fraud ; and no person shall be imprisoned for a militia fine in time of peace.

Sec. 16. No bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, shall ever be passed.

Sec. 17. Foreigners who are, or may hereafter become *bona fide* residents of this State, shall enjoy the same rights in respect to the possession, enjoyment, and inheritance of property, as native born citizens.

Sec. 18. Neither slavery, nor involuntary servitude, unless for the punishment of crimes, shall ever be tolerated in this State.

Sec. 19. The right of the people to be secure in their persons,

houses, papers, and effects, against unreasonable seizures and searches, shall not be violated ; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the persons and things to be seized.

Sec. 20. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason, unless on the evidence of two witnesses to the same overt act, or confession in open court.

Sec. 21. This enumeration of rights shall not be construed to impair or deny others retained by the people.

ARTICLE II.

RIGHT OF SUFFRAGE.

Section 1. Every white male citizen of the United States, and every white male citizen of Mexico, who shall have elected to become a citizen of the United States, under the treaty of peace exchanged and ratified at Queretaro, on the 30th day of May, 1848, of the age of twenty-one years, who shall have been a resident of the State six months next preceeding the election, and the county or district in which he claims his vote thirty days, shall be entitled to vote at all elections which are now or hereafter may be authorized by law : *Provided*, that nothing herein contained shall be construed to prevent the Legislature, by a two thirds concurrent vote, from admitting to the right of suffrage, Indians or the descendants of Indians, in such special cases as such a proportion of the legislative body may deem just and proper.

Sec. 2. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest on the days of the election, during their attendance at such election, going to or returning therefrom.

Sec. 3. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

Sec. 4. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States ; nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas ; nor while a student of any seminary of learning ; nor while kept at any almshouse, or other asylum, at public expense ; nor while confined in any public prison.

Sec. 5. No idiot or insane person, or person convicted of any infamous crime, shall be entitled to the privileges of an elector.

Sec. 6. All elections by the people shall be by ballot.

ARTICLE III.

DISTRIBUTION OF POWERS.

The powers of the Government of the State of California shall be divided into three separate departments: the Legislative, the Executive, and Judicial; and no person charged with the exercise of powers properly belonging to one of these departments, shall exercise any functions appertaining to either of the others, except in the cases hereinafter expressly directed or permitted.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

Section 1. The Legislative power of this State shall be vested in a Senate and Assembly, which shall be designated the Legislature of the State of California; and the enacting clause of every law shall be as follows: "The people of the State of California, represented in Senate and Assembly, do enact as follows."

Sec. 2. The sessions of the Legislature shall be annual, and shall commence on the first Monday of January, next ensuing the election of its members, unless the Governor of the State shall, in the interim, convene the Legislature by proclamation.

Sec. 3. The members of the Assembly shall be chosen annually, by the qualified electors of their respective districts, on the Tuesday next after the first Monday in November, unless otherwise ordered by the Legislature, and their term of office shall be one year.

Sec. 4. Senators and members of Assembly shall be duly qualified electors in the respective counties and districts which they represent.

Sec. 5. Senators shall be chosen for the term of two years, at the same time and places as members of Assembly; and no person shall be a member of the Senate or Assembly who has not been a citizen and inhabitant of the State one year, and of the county or district for which he shall be chosen, six months next before his election.

Sec. 6. The number of Senators shall not be less than one third, nor more than one half, of that of the members of Assembly; and at the first session of the Legislature after this Constitution takes effect,

the Senators shall be divided by lot as equally as may be, into two classes ; the seats of the Senators of the first class shall be vacated at the expiration of the first year, so that one half shall be chosen annually.

Sec. 7. When the number of Senators is increased, they shall be appointed by lot, so as to keep the two classes as nearly equal in number as possible.

Sec. 8. Each House shall choose its own officers and judge of the qualifications, elections, and returns of its own members.

Sec. 9. A majority of each House shall constitute a quorum to do business ; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner, and under such penalties, as each House may provide.

Sec. 10. Each House shall determine the rules of its own proceedings, and may, with the concurrence of two thirds of all the members elected, expel a member.

Sec. 11. Each House shall keep a journal of its own proceedings, and publish the same ; and the yeas and nays of the members of either House, on any question, shall, at the desire of any three members present, be entered on the journal.

Sec. 12. Members of the Legislature shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest, and they shall not be subject to any civil process during the session of the Legislature, nor for fifteen days next before the commencement and after the termination of each session.

Sec. 13. When vacancies occur in either House, the Governor, or the person exercising the functions of the Governor, shall issue writs of elections to fill such vacancies.

Sec. 14. The doors of each House shall be open, except on such occasions as, in the opinion of the House, may require secrecy.

Sec. 15. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

Sec. 16. Any bill may originate in either House of the Legislature, and all bills passed by one House may be amended in the other.

Sec. 17. Every bill which may have passed the Legislature, shall, before it becomes a law, be presented to the Governor. If he approve it, he shall sign it ; but if not, he shall return it, with his objections, to the House in which it originated, which shall enter the same upon the journal, and proceed to reconsider it. If, after such reconsideration, it again pass both Houses, by yeas and nays, by a majority of two thirds of the members of each House present, it shall become

a law, notwithstanding the Governor's objections. If any bill shall not be returned within ten days after it shall have been presented to him, (Sunday excepted,) the same shall be a law, in like manner as if he had signed it, unless the Legislature, by adjournment, prevent such return.

Sec. 18. The Assembly shall have the sole power of impeachment; and all impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation; and no person shall be convicted, without the concurrence of two thirds of the members present.

Sec. 19. The Governor, Lieutenant Governor, Secretary of State, Comptroller, Treasurer, Attorney General, Surveyor General, Justices of the Supreme Court and Judges of the District Courts, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall extend only to removal from office, and disqualification to hold any office of honor, trust, or profit, under the State; but the party convicted or acquitted, shall nevertheless be liable to indictment, trial, and punishment, according to law. All other civil officers shall be tried, for misdemeanors in office, in such a manner as the Legislature may provide.

Sec. 20. No Senator, or member of Assembly, shall, during the term for which he shall have been elected, be appointed to any civil office of profit, under this State, which shall have been created, or the emoluments of which shall have been increased, during such term, except such office as may be filled by elections by the people.

Sec. 21. No person holding any lucrative office under the United States, or any other power, shall be eligible to any civil office of profit, under this State: *Provided*, that officers in the militia, to which there is attached no annual salary, or local officers and post-masters whose compensation does not exceed five hundred dollars per annum, shall not be deemed lucrative.

Sec. 22. No person who shall be convicted of the embezzlement, or defalcation of the public funds of this State, shall ever be eligible to any office of honor, trust or profit under this State; and the Legislature shall, as soon as practicable, pass a law providing for the punishment of such embezzlement, or defalcation, as a felony.

Sec. 23. No money shall be drawn from the treasury but in consequence of appropriations made by law. An accurate statement of the receipts and expenditures of the public moneys shall be attached to and published with the laws at every regular session of the Legislature.

Sec. 24. The members of the Legislature shall receive for their

services a compensation to be fixed by law and paid out of the public treasury ; but no increase of the compensation shall take effect during the term for which the members of either House shall have been elected.

Sec. 25. Every law enacted by the Legislature shall embrace but one object, and that shall be expressed in the title ; and no law shall be revised, or amended, by reference to this title ; but in such case, the Act revised, or section amended, shall be re-enacted and published at length.

Sec. 26. No divorce shall be granted by the Legislature.

Sec. 27. No lottery shall be authorized by this State, nor shall the sale of lottery tickets be allowed.

Sec. 28. The enumeration of the inhabitants of this State shall be taken, under the direction of the Legislature, in the year one thousand eight hundred and fifty-two, and one thousand eight hundred and fifty-five, and at the end of every ten years thereafter ; and these enumerations, together with the census that may be taken, under the direction of the Congress of the United States in the year one thousand eight hundred and fifty, and every subsequent ten years, shall serve as the basis of representation in both Houses of the Legislature.

Sec. 29. The number of Senators and members of Assembly shall, at the first session of the Legislature holden after the enumeration herein provided for and made, be fixed by the Legislature, and apportioned among the several counties and districts to be established by law, according to the number of white inhabitants. The number of members of Assembly shall not be less than twenty-four, nor more than thirty-six, until the number of inhabitants within this State shall amount to one hundred thousand ; and after that period, at such ratio that the whole number of members of Assembly shall never be less than thirty, nor more than eighty.

Sec. 30. When a Congressional, Senatorial, or Assembly District shall be composed of two or more counties, it shall not be separated by any county belonging to another district ; and no county shall be divided in forming a Congressional, Senatorial, or Assembly District.

Sec. 31. Corporations may be formed under general laws, but shall not be created by special Act, except for municipal purposes. All general Laws and special Acts passed pursuant to this section may be altered from time to time, or repealed.

Sec. 32. Dues from corporations shall be secured by such individual liability of the corporators, and other means, as may be prescribed by law.

Sec. 33. The term corporations as used in this article shall be construed to include all associations and joint stock companies, having any of the powers or privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue, and shall be subject to be sued, in all courts, in like cases as natural persons.

Sec. 34. The Legislature shall have no power to pass any Act granting any charter for banking purposes; but associations may be formed, under general laws, for the deposit of gold and silver, but no such association shall make, issue, or put in circulation any bill, check, ticket, certificate, promissory note, or other paper, or the paper of any bank, to circulate as money.

Sec. 35. The Legislature of this State shall prohibit, by law, any person or persons, association, company, or corporation, from exercising the privileges of banking, or creating paper to circulate as money.

Sec. 36. Each stockholder of a corporation, or joint stock association, shall be individually and personally liable for his proportion of all its debts and liabilities.

Sec. 37. It shall be the duty of the Legislature to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments and in contracting debts by such municipal corporations.

Sec. 38. In all elections by the Legislature, the members thereof shall vote *viva voce*, and the votes shall be entered on the journal.

ARTICLE V.

EXECUTIVE DEPARTMENT.

Section 1. The supreme Executive power of this State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of California.

Sec. 2. The Governor shall be elected by the qualified electors, at the time and places of voting for members of Assembly, and shall hold his office for two years from the time of his installation, and until his successor shall be qualified.

Sec. 3. No person shall be eligible to the office of Governor (except at the first election) who has not been a citizen of the United States and a resident of this State two years next preceding the election, and attained the age of twenty-five years at the time of said election.

Sec. 4. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the Assembly, who shall, during the first week of the session, open and publish them in presence of both Houses of the Legislature. The person having the highest number of votes shall be Governor; but in case any two or more have an equal and the highest number of votes, the Legislature shall, by joint vote of both Houses, choose one of said persons, so having an equal and the highest number of votes, for Governor.

Sec. 5. The Governor shall be commander-in-chief of the militia, the army and navy of this State.

Sec. 6. He shall transact all executive business with the officers of government, civil and military, and may require information in writing from the officers of the executive department, upon any subject relating to the duties of their respective offices.

Sec. 7. He shall see that the laws are faithfully executed.

Sec. 8. When any office shall, from any cause, become vacant, and no mode is provided by the Constitution and Laws for filling such vacancy, the Governor shall have power to fill such vacancy by granting a commission, which shall expire at the end of the next session of the Legislature, or at the next election by the people.

Sec. 9. He may, on extraordinary occasions, convene the Legislature by proclamation, and shall state to both Houses, when assembled, the purpose for which they shall have been convened.

Sec. 10. He shall communicate by message to the Legislature, at every session, the condition of the State, and recommend such matters as he shall deem expedient.

Sec. 11. In case of a disagreement between the two Houses, with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper: *Provided*, it be not beyond the time fixed for the meeting of the next Legislature.

Sec. 12. No person shall, while holding any office under the United States, or this State, exercise the office of Governor, except as hereinafter expressly provided.

Sec. 13. The Governor shall have the power to grant reprieves and pardons after conviction, for all offenses except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations, as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, he shall have the power to suspend the execution of the sentence until the case shall be reported to the Legis-

lature at its next meeting, when the Legislature shall either pardon, direct the execution of the sentence, or grant a further reprieve. He shall communicate to the Legislature, at the beginning of every session, every case of reprieve or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the pardon or reprieve.

Sec. 14. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called "The great Seal of the State of California."

Sec. 15. All grants and commissions shall be in the name and by the authority of the people of the State of California, sealed with the great Seal of the State, signed by the Governor, and countersigned by the Secretary of State.

Sec. 16. A Lieutenant-Governor shall be elected at the same time and places, and in the same manner as the Governor; and his term of office, and his qualifications of eligibility, shall also be the same. He shall be President of the Senate, but shall only have a casting vote therein. If, during a vacancy of the office of Governor, the Lieutenant-Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the President of the Senate shall act as Governor until the vacancy be filled, or the disability shall cease.

Sec. 17. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of the said office, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant-Governor for the residue of the term, or until the disability shall cease. But when the Governor shall, with the consent of the Legislature, be out of the State in time of war, at the head of any military force thereof, he shall continue commander-in-chief of the military force of the State.

Sec. 18. A Secretary of State, a Comptroller, a Treasurer, an Attorney-General, and Surveyor-General, shall be chosen in the manner provided in this Constitution; and the term of office, and eligibility of each, shall be the same as are prescribed for the Governor and Lieutenant-Governor.

Sec. 19. The Secretary of State shall be appointed by the Governor, by and with the advice and consent of the Senate. He shall keep a fair record of the official acts of the legislative and executive departments of the Government, and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislature; and shall perform such other duties as shall be assigned him by law.

Sec. 20. The Comptroller, Treasurer, Attorney-General, and Surveyor-General, shall be chosen by joint vote of the two Houses of the Legislature, at their first session under this Constitution, and thereafter shall be elected at the same time and places, and in the same manner as the Governor and Lieutenant-Governor.

Sec. 21. The Governor, Lieutenant-Governor, Secretary of State, Comptroller, Treasurer, Attorney-General, and Surveyor-General, shall each, at stated times during their continuance in office, receive for their services a compensation, which shall not be increased or diminished during the term for which they shall have been elected; but neither of these officers shall receive for his own use any fees for the performance of his official duties.

ARTICLE VI.

JUDICIAL DEPARTMENT.

Section 1. The judicial power of this State shall be vested in a Supreme Court, in District Courts, in County Courts, and in Justices of the Peace. The Legislature may also establish such municipal and other inferior courts as may be deemed necessary.

Sec. 2. The Supreme Court shall consist of a Chief Justice and two Associate Justices, any two of whom shall constitute a quorum.

Sec. 3. The Justices of the Supreme Court shall be elected at the general election, by the qualified electors of the State, and shall hold their office for the term of six years from the first day of January next after their election: *Provided*, that the Legislature shall, at its first meeting, elect a Chief Justice and two Associate Justices of the Supreme Court, by joint vote of both Houses, and so classify them that one shall go out of office every two years. After the first election, the senior Justice in commission shall be the Chief Justice.

Sec. 4. The Supreme Court shall have appellate jurisdiction in all cases when the matter in dispute exceeds two hundred dollars, when the legality of any tax, toll, or impost or municipal fine is in question, and in all criminal cases amounting to felony or questions of law alone. And the said court, and each of the Justices thereof, as well as all District and County Judges, shall have power to issue writs of *habeas corpus* at the instance of any person held in actual custody. They shall also have power to issue all other writs and process necessary to the exercise of their appellate jurisdiction, and shall be conservators of the peace throughout the State.

Sec. 5. The State shall be divided by the first Legislature into a convenient number of districts, subject to such alteration from time to time as the public good may require, for each of which a District Judge shall be appointed by the joint vote of the Legislature, at its first meeting, who shall hold his office for two years from the first day of January next after his election; after which, said Judges shall be elected by the qualified electors of their respective districts, at the general election, and shall hold their office for the term of six years.

Sec. 6. The District Courts shall have original jurisdiction, in law and equity, in all civil cases where the amount in dispute exceeds two hundred dollars, exclusive of interest. In all criminal cases not otherwise provided for, and in all issues of fact joined in the Probate Courts, their jurisdiction shall be unlimited.

Sec. 7. The Legislature shall provide for the election, by the people, of a Clerk of the Supreme Court, and County Clerks, District Attorneys, Sheriffs, Coroners, and other necessary officers; and shall fix by law their duties and compensation. County Clerks shall be, *ex officio*, Clerks of the District Courts in and for their respective counties.

Sec. 8. There shall be elected in each of the organized counties of this State, one Judge, who shall hold his office for four years. He shall hold the County Court, and perform the duties of Surrogate, or Probate Judge. The County Judge, with two Justices of the Peace, to be designated according to law, shall hold Courts of Sessions with such criminal jurisdiction as the Legislature shall prescribe, and he shall perform such other duties as shall be required by law.

Sec. 9. The County Courts shall have such jurisdiction, in cases arising in Justices' Courts, and in special cases, as the Legislature may prescribe, but shall have no original civil jurisdiction, except in such special cases.

Sec. 10. The times and places of holding the terms of the Supreme Court, and the general and special terms of the District Courts within the several districts, shall be provided for by law.

Sec. 11. No judicial officer, except a Justice of the Peace, shall receive, to his own use, any fees or perquisites of office.

Sec. 12. The Legislature shall provide for the speedy publication of all statute laws, and of such judicial decisions as it may deem expedient; and all laws and judicial decisions shall be free for publication by any person.

Sec. 13. Tribunals for conciliation may be established, with such powers and duties as may be prescribed by law; but such tribunals shall have no power to render judgment to be obligatory on the parties,

except they voluntarily submit their matters in difference, and agree to abide the judgment, or assent thereto in the presence of such tribunal, in such cases as shall be prescribed by law.

Sec. 14. The Legislature shall determine the number of Justices of the Peace, to be elected in each county, city, town, and incorporated village of the State, and fix by law their powers, duties and responsibilities. It shall also determine in what cases appeals may be made from Justices' Courts to the County Court.

Sec. 15. The Justices of the Supreme Court, and Judges of the District Court, shall severally, at stated times during their continuance in office, receive for their services a compensation, to be paid out of the treasury, which shall not be increased or diminished during the term for which they shall have been elected. The County Judges shall also severally, at stated times, receive for their services a compensation to be paid out of the county treasury of their respective counties, which shall not be increased or diminished during the term for which they shall have been elected.

Sec. 16. The Justices of the Supreme Court and District Judges shall be ineligible to any other office during the term for which they shall have been elected.

Sec. 17. Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law.

Sec. 18. The style of all process shall be "The People of the State of California ;" all the prosecutions shall be conducted in the name and by the authority of the same.

ARTICLE VII.

MILITIA.

Section 1. The Legislature shall provide by law for organizing and disciplining the militia, in such manner as they shall deem expedient, not incompatible with the Constitution and Laws of the United States.

Sec. 2. Officers of the militia shall be elected or appointed, in such manner as the Legislature shall from time to time direct, and shall be commissioned by the Governor.

Sec. 3. The Governor shall have power to call forth the militia, to execute the laws of the State, to suppress insurrections, and repel invasions.

ARTICLE VIII.

STATE DEBTS.

The Legislature shall not in any manner create any debt or debts, liability or liabilities, which shall singly, or in the aggregate, with any previous debts or liabilities, exceed the sum of three hundred thousand dollars, except in case of war, to repel invasion or suppress insurrection, unless the same shall be authorized by some law for some single object or work, to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability, as it falls due, and also pay and discharge the principal of such debt or liability within twenty years from the time of the contracting thereof, and shall be irrepealable until the principal and interest thereon shall be paid and discharged; but no such law shall take effect until, at a general election, it shall have been submitted to the people, and have received a majority of all the votes cast for and against it at such election; and all money raised by authority of such law, shall be applied only to the specified object therein stated, or to the payment of the debt thereby created; and such law shall be published in at least one newspaper in each judicial district, if one be published therein, throughout the State, for three months next preceding the election at which it is submitted to the people.

ARTICLE IX.

EDUCATION.

Section 1. The Legislature shall provide for the election, by the people, of a Superintendent of Public Instruction, who shall hold his office for three years, and whose duties shall be prescribed by law, and who shall receive such compensation as the Legislature may direct.

Sec. 2. The Legislature shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement. The proceeds of all land that may be granted by the United States to this State for the support of schools, which may be sold or disposed of, and the five hundred thousand acres of land granted to the new States, under an Act of Congress distributing the proceeds of the public lands among the several States of the Union,

approved A. D. 1841 ; and all estates of deceased persons who may have died without leaving a will, or heir, and also such per cent. as may be granted by Congress on the sale of lands in this State, shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, and such other means as the Legislature may provide, shall be inviolably appropriated to the support of common schools throughout the State.

Sec. 3. The Legislature shall provide for a system of common schools, by which a school shall be kept up and supported in each district at least three months in every year, and any school neglecting to keep and support such a school may be deprived of its proportion of the interest of the public fund during such neglect.

Sec. 4. The Legislature shall take measures for the protection, improvement, or other disposition of such lands as have been, or may hereafter be reserved or granted by the United States, or any person or persons, to the State for the use of a University ; and the funds accruing from the rents or sale of such lands, or from any other source for the purpose aforesaid, shall be and remain a permanent fund, the interest of which shall be applied to the support of said University, with such branches as the public convenience may demand, for the promotion of literature, the arts and sciences, as may be authorized by the terms of such grant. And it shall be the duty of the Legislature, as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said University.

ARTICLE X.

MODE OF AMENDING AND REVISING THE CONSTITUTION.

Section 1. Any amendment or amendments to this Constitution, may be proposed in the Senate or Assembly ; and if the same shall be agreed to by a majority of the members elected to each of the two Houses ; such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and referred to the Legislature then next to be chosen, and shall be published for three months next preceding the time of making such choice. And if, in the Legislature next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each House, then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people, in such manner and at such time as the Legislature shall prescribe ; and if the people shall approve and ratify such amendment or amend-

ments, by a majority of the electors qualified to vote for members of the Legislature voting thereon, such amendment or amendments shall become part of the Constitution.

Sec. 2. And if at any time two thirds of the Senate and Assembly shall think it necessary to revise and change this entire Constitution, they shall recommend to the electors, at the next election for members of the Legislature, to vote for or against the convention; and if it shall appear that a majority of the electors voting at such election have voted in favor of calling a convention, the Legislature shall, at its next session, provide by law for calling a convention, to be holden within six months after the passage of such law; and such convention shall consist of a number of members not less than that of both branches of the Legislature.

ARTICLE XI.

PROMISCUOUS PROVISIONS.

Section 1. The first session of the Legislature shall be held at the Pueblo de San José; which place shall be the permanent seat of government, until removed by law: *Provided*, however, that two thirds of all the members elected to each House of the Legislature shall concur in the passage of such law.

Sec. 2. Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it; or who shall act as second, or knowingly aid or assist in any manner those thus offending, shall not be allowed to hold any office of profit or to enjoy the right of suffrage under this Constitution.

Sec. 3. Members of the Legislature, and all officers, executive and judicial, except such inferior officers as may be by law exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

“I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of ———, according to the best of my ability.”

And no other oath, declaration, or test, shall be required as a qualification for any office or public trust.

Sec. 4. The Legislature shall establish a system of county and

town governments, which shall be as nearly uniform as practicable throughout the State.

Sec. 5. The Legislature shall have power to provide for the election of a Board of Supervisors in each county; and these Supervisors shall jointly and individually perform such duties as may be prescribed by law.

Sec. 6. All officers whose election or appointment is not provided for by this Constitution, and all officers whose offices may hereafter be created by law, shall be elected by the people, or appointed as the Legislature may direct.

Sec. 7. When the duration of any office is not provided for by this Constitution, it may be declared by law, and if not so declared, such office shall be held during the pleasure of the authority making the appointment; nor shall the duration of any office, not fixed by this Constitution, ever exceed four years.

Sec. 8. The fiscal year shall commence on the first day of July.

Sec. 9. Each county, town, city, and incorporated village, shall make provision for the support of its own officers, subject to such restrictions and regulations as the Legislature may prescribe.

Sec. 10. The credit of the State shall not in any manner be given or loaned to or in aid of any individual, association or corporation; nor shall the State directly or indirectly become a stockholder in any association or corporation.

Sec. 11. Suits may be brought against the State in such manner, and in such courts, as shall be directed by law.

Sec. 12. No contract of marriage, if otherwise duly made, shall be invalidated for want of conformity to the requirements of any religious sect.

Sec. 13. Taxation shall be equal and uniform throughout the State. All property in this State shall be taxed in proportion to its value, to be ascertained as directed by law; but assessors and collectors of town, county, and State taxes, shall be elected by the qualified electors of the district, county, or town, in which the property taxed for State, county, or town purposes is situated.

Sec. 14. All property, both real and personal, of the wife, owned or claimed by marriage, and that acquired afterwards by gift, devise, or descent, shall be her separate property; and laws shall be passed more clearly defining the rights of the wife, in relation as well to her separate property, as to that held in common with her husband. Laws shall also be passed providing for the registration of the wife's separate property.

Sec. 15. The Legislature shall protect by law, from forced sale, a

certain portion of the homestead and other property of all heads of families.

Sec. 16. No perpetuities shall be allowed, except for eleemosynary purposes.

Sec. 17. Every person shall be disqualified from holding any office of profit in this State, who shall have been convicted of having given or offered a bribe to procure his election or appointment.

Sec. 18. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.

Sec. 19. Absence from this State on business of the State, or of the United States, shall not affect the question of residence of any person.

Sec. 20. A plurality of the votes given at an election shall constitute a choice, where not otherwise directed in this Constitution.

Sec. 21. All laws, decrees, regulations, and provisions, which from their nature require publication, shall be published in English and Spanish.

ARTICLE XII.

BOUNDARY.

The boundary of the State of California shall be as follows :

Commencing at the point of intersection of forty-second degree of north latitude with the one hundred and twentieth degree of longitude west from Greenwich, and running south on the line of said one hundred and twentieth degree of west longitude until it intersects the thirty-ninth degree of north latitude ; thence running in a straight line in a southeasterly direction to the River Colorado, at a point where it intersects the thirty-fifth degree of north latitude ; thence down the middle of the channel of said river, to the boundary line between the United States and Mexico, as established by the treaty of May 30th, 1848 ; thence running west and along said boundary line to the Pacific Ocean, and extending therein three English miles ; thence running in a northwesterly direction and following the direction of the Pacific Coast to the forty-second degree of north latitude, thence on the line of said forty-second degree of north latitude to

the place of beginning. Also, all the islands, harbors and bays along and adjacent to the Pacific Coast.

SCHEDULE.

Section 1. All rights, prosecutions, claims and contracts, as well of individuals as of bodies corporate, and all laws in force at the time of the adoption of this Constitution, and not inconsistent therewith, until altered or repealed by the Legislature, shall continue as if the same had not been adopted.

Sec. 2. The Legislature shall provide for the removal of all causes which may be pending when this Constitution goes into effect, to courts created by the same.

Sec. 3. In order that no inconvenience may result to the public service, from the taking effect of this Constitution, no office shall be superseded thereby, nor the laws relative to the duties of the several officers be changed, until the entering into office of the new officers to be appointed under this Constitution.

Sec. 4. The provisions of this Constitution concerning the term of residence necessary to enable persons to hold certain offices therein mentioned, shall not be held to apply to officers chosen by the people at the first election, or by the Legislature at its first session.

Sec. 5. Every citizen of California, declared a legal voter by this Constitution, and every citizen of the United States, a resident of this State on the day of election, shall be entitled to vote at the first general election under this Constitution, and on the question of the adoption thereof.

Sec. 6. This Constitution shall be submitted to the people for their ratification or rejection, at the general election to be held on Tuesday, the thirteenth day of November next. The Executive of the existing Government of California is hereby requested to issue a proclamation to the people, directing the Prefects of the several districts, or in case of vacancy, the Sub-Prefects, or senior Judge of first Instance, to cause such election to be held, the day aforesaid, in the respective districts. The election shall be conducted in the manner which was prescribed for the election of Delegates to this Convention, except that the Prefect, Sub-Prefect, or senior Judge of First Instance, ordering such election in each district, shall have power to designate any additional number of places for opening the polls, and that, in every place of holding the election, a regular poll list shall be kept by the judges and inspectors of election. It shall also be the

duty of these judges and inspectors of election, on the day aforesaid, to receive the votes of the electors qualified to vote at such election. Each voter shall express his opinion, by depositing in the ballot box a ticket, whereon shall be written, or printed, "For the Constitution," or "Against the Constitution," or some such words as will distinctly convey the intention of the voter. These judges and inspectors shall also receive the votes for the several officers to be voted for at the said election as herein provided. At the close of the election, the judges and inspectors shall carefully count each ballot, and forthwith make duplicate returns thereof to the Prefect, Sub-Prefect, or senior Judge of First Instance, as the case may be, of their respective districts; and said Prefect, Sub-Prefect, or senior Judge of First Instance shall transmit one of the same, by the most safe and rapid conveyance, to the Secretary of State. Upon the receipt of said returns, or on the tenth day of December next, if the returns be not sooner received, it shall be the duty of a Board of Canvassers, to consist of the Secretary of State, one of the Judges of the Superior Court, the Prefect, Judge of First Instance, and an Alcalde of the District of Monterey, or any three of the aforementioned officers, in the presence of all who shall choose to attend, to compare the votes given at said election, and to immediately publish an abstract of the same in one or more of the newspapers of California. And the Executive will also, immediately after ascertaining that the Constitution has been ratified by the people, make proclamation of the fact; and thenceforth this Constitution shall be ordained and established as the Constitution of California.

Sec. 7. If this Constitution shall be ratified by the people of California, the Executive of the existing Government is hereby requested immediately after the same shall be ascertained, in the manner herein directed, to cause a fair copy thereof to be forwarded to the President of the United States, in order that he may lay it before the Congress of the United States.

Sec. 8. At the general election aforesaid, viz., the thirteenth day of November next, there shall be elected a Governor, Lieutenant-Governor, members of the Legislature, and also two members of Congress.

Sec. 9. If this Constitution shall be ratified by the people of California, the Legislature shall assemble at the seat of Government on the fifteenth day of December next, and in order to complete the organization of that body, the Senate shall elect a President *pro tempore*, until the Lieutenant-Governor shall be installed into office.

Sec. 10. On the organization of the Legislature, it shall be the

duty of the Secretary of State to lay before each House a copy of the abstract made by the Board of Canvassers, and if called for, the original returns of election, in order that each House may judge of the correctness of the report of said Board of Canvassers.

Sec. 11. The Legislature, at its first session, shall elect such officers as may be ordered by this Constitution, to be elected by that body, and within four days after its organization, proceed to elect two Senators to the Congress of the United States. But no law passed by this Legislature shall take effect until signed by the Governor after his installation into office.

Sec. 12. The Senators and Representatives to the Congress of the United States, elected by the Legislature and People of California, as herein directed, shall be furnished with certified copies of this Constitution, when ratified, which they shall lay before the Congress of the United States, requesting, in the name of the People of California, the admission of the State of California into the American Union.

Sec. 13. All officers of this State, other than members of the Legislature, shall be installed into office on the fifteenth day of December next, or as soon thereafter as practicable.

Sec. 14. Until the Legislature shall divide the State into Counties, and Senatorial and Assembly Districts, as directed by this Constitution, the following shall be the apportionment of the two Houses of the Legislature, viz : The Districts of San Diego and Los Angeles shall jointly elect two Senators ; the Districts of Santa Barbara and San Luis Obispo shall jointly elect one Senator ; the District of Monterey, one Senator ; the District of San José, one Senator ; the District of San Francisco, two Senators ; the District of Sonoma, one Senator ; the District of Sacramento, four Senators ; and the District of San Joaquin, four Senators. And the District of San Diego shall elect one member of Assembly ; the District of Los Angeles, two members of Assembly ; the District of Santa Barbara, two members of Assembly ; the District of San Luis Obispo, one member of Assembly ; the District of Monterey, two members of Assembly ; the District of San José, three members of Assembly ; the District of San Francisco, five members of Assembly ; the District of Sonoma, two members of Assembly ; the District of Sacramento, nine members of Assembly ; and the District of San Joaquin, nine members of Assembly.

Sec. 15. Until the Legislature shall otherwise direct, in accordance with the provisions of this Constitution, the salary of the Governor shall be ten thousand dollars per annum ; and the salary of the

Lieutenant-Governor shall be double the pay of a State Senator ; and the pay of members of the Legislature shall be sixteen dollars per diem, while in attendance, and sixteen dollars for every twenty miles' travel by the usual route from their residences, to the place of holding the session of the Legislature, and in returning therefrom. And the Legislature shall fix the salaries of all officers, other than those elected by the people, at the first election.

Sec. 16. The limitation of the powers of the Legislature, contained in article 8th of this Constitution, shall not extend to the first Legislature elected under the same, which is hereby authorized to negotiate for such amount as may be necessary to pay the expenses of the State Government.

R. SEMPLE,

President of the Convention, and Delegate from Benicia.

WM. G. MARCY, *Secretary.*

J. Aram,	L. W. Hastings,	R. M. Price,
C. T. Botts,	Henry Hill,	Hugo Reid,
E. Brown,	J. Hobson,	Jacinto Rodriguez,
J. A. Carrillo,	J. McH. Hollinsworth,	Pedro Sansevaine,
J. M. Covarrubias,	J. D. Hoppe,	W. E. Shannon,
E. O. Crosby,	J. M. Jones,	W. S. Sherwood,
P. De la Guerra,	T. O. Larkin,	J. R. Snyder,
L. Dent,	Francis J. Lippitt,	A. Stearns,
M. Dominguez,	B. S. Lippincott,	W. M. Steuart,
K. H. Dimnick,	M. M. McCarver,	J. A. Sutter,
A. J. Ellis,	John McDougal,	Henry A. Tefft,
S. C. Foster,	B. F. Moore,	S. L. Vermeule,
E. Gilbert,	Myron Norton,	M. G. Vallejo,
W. M. Gwin,	P. Ord,	J. Walker,
H. W. Halleck,	Miguel Pedrorena,	O. M. Wozencraft.
Julian Hanks,	A. M. Pico,	

OFFICERS OF THE CITY AND COUNTY,
AND
STANDING RULES AND ORDERS.

OFFICERS AND MEMBERS
OF THE
BOARD OF ALDERMEN
OF THE
CITY OF SAN FRANCISCO.

J. P. HAVEN, (of Second Ward,) PRESIDENT.

J. P. FLINT—First Ward. WM. A. DANA—Third Ward. CHAS. L. CASE—Fourth W'd. T. H. SELBY—Fifth Ward.	A. J. BOWIE—Sixth Ward. GEO. K. GLUYAS—Seventh Ward. E. J. MOORE—Eighth Ward.
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EDWARD A. EDGERTON, CLERK.

J. H. HESSE, SERGEANT-AT-ARMS.

STANDING COMMITTEES—Nov., 1852.

<p><i>Committee on Auditing:</i> CASE, SELBY, BOWIE.</p> <p><i>Committee on Finance:</i> FLINT, BOWIE, CASE.</p> <p><i>Committee on Fire and Water.</i> CASE, GLUYAS, BOWIE.</p> <p><i>Committee on Health and Police:</i> BOWIE, SELBY, FLINT.</p> <p><i>Committee on Judiciary:</i> DANA, MOORE, BOWIE.</p> <p><i>Committee on Streets, Public Buildings and Improvements:</i> GLUYAS, MOORE, DANA.</p>	<p><i>Committee on License & Excise:</i> CASE, MOORE, DANA.</p> <p><i>Committee on Ordinances:</i> SELBY, MOORE, CASE.</p> <p><i>Committee on Printing:</i> DANA, BOWIE, CASE.</p> <p><i>Committee on Rules:</i> SELBY, MOORE, DANA.</p> <p><i>Committee on Salaries:</i> FLINT, GLUYAS, SELBY.</p>
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BRYANT, SQUIRE, HASTE.

JOINT COMMITTEE ON ACCOUNTS:

From the Board of Aldermen—	From the Board of Assistants—
FLINT,	SQUIRE,
BOWIE,	BRYANT,
CASE.	BOVEE.

COMMITTEE ON LAND CLAIMS:

From the Board of Aldermen—	From the Board of Assistants—
FLINT,	SQUIRE,
DANA,	DE LONG.

BOARD OF EDUCATION:

ALDERMAN T. H. SELBY,	R. H. WALLER,
Ass't Ald. W. H. BOVEE,	JOHN WILSON.
T. J. NEVINS, Clerk.	

CITY AND COUNTY OFFICERS.

CITY OFFICERS.

Mayor,
CHARLES J. BRENHAM.

Treasurer,
HAMILTON BOWIE.

Comptroller,
R. MATHESON.

Tax Collector,
LEWIS TEAL.

Street Commissioner,
WM. DEVIER.

Attorney,
J. K. HACKETT.

Recorder,
GEORGE W. BAKER.

Marshal,
R. G. CROZIER.

Assessors,
J. L. ANDERSON,
M. D. EYRE,
J. O'CALLAHAN.

Inspector of Licenses,
F. O. WAKEMAN.

Collector of Street Assessments,
JOSEPH WEED.

Chief Engineer,
GEORGE H. HOSSEFROSS.

Harbor Master,
W. T. THOMPSON.

Commissioners of Funded Debt :

P. A. MORSE, PRESIDENT.

W. HOOPER, Sec'y,
B. C. SANDERS,

D. J. TALLANT,
SMYTHE CLARK.

COUNTY OFFICERS.

Sheriff,
JOHN C. HAYS.

County Clerk,
J. E. WAINWRIGHT.

District Attorney,
H. H. BYRNE.

Treasurer,
JOSEPH SHANNON.

Recorder and Auditor,
T. B. RUSSUM.

Assessor,
H. VANDEVEER.

Surveyor,
W. P. HUMPHREYS.

Public Administrator,
D. T. BAGLEY.

Coroner,
NATHANIEL GRAY.

Commissioners for Funding County Debt :

S. R. HARRIS, OTTO FRANK, D. ROBERTS.

OFFICERS AND MEMBERS
OF THE
BOARD OF COUNTY SUPERVISORS
OF THE
COUNTY OF SAN FRANCISCO.

C. J. BRENHAM, (Mayor,) PRESIDENT.

J. P. FLINT—1st Ward.	T. H. SELBY—5th Ward.
J. P. HAVEN—2d Ward.	A. J. BOWIE—6th Ward.
WM. A. DANA—3d Ward.	GEO. K. GLUYAS—7th Ward.
CHAS. L. CASE—4th Ward.	E. J. MOORE—8th Ward.

JOHN TREAT—Ninth District.

R. O. TRIPP—Tenth District.

FRANCISCO SANCHEZ—Eleventh District.

EDWARD A. EDGERTON—CLERK.

J. H. HESSE—SERGEANT-AT-ARMS.

STANDING COMMITTEES—Nov., 1852.

Committee on Auditing Acc'ts:

DANA,
FLINT,
CASE.

Committee on Education:

BOWIE,
SELBY,
MOORE.

Committee on Finance:

HAVEN,
SELBY,
GLUYAS.

Committee on Judiciary:

SELBY,
HAVEN,
MOORE.

Committee on Licenses:

CASE,
SANCHEZ,
DANA.

Committee on Public Buildings:

GLUYAS,
BOWIE,
TRIPP.

Committee on Roads & Ferries:

CASE,
TREAT,
HAVEN.

Committee on Rules:

MOORE,
HAVEN,
GLUYAS.

RULES AND ORDERS

OF THE

BOARD OF ALDERMEN AND ASSISTANT ALDERMEN.

ADOPTED NOVEMBER 11TH, 1852.

1. Upon the appearance of five members, the President, or in his absence, a President pro tem., shall take the chair, and the members shall be called to order.

2. Whenever the President may wish to leave the chair, he shall have power to substitute a member in his place, provided that substitution shall not continue beyond the day on which it is made.

3. In case the President shall not attend, the Clerk on the appearance of five members, shall call the Board to order, when a President pro tem. shall be appointed by the Board for that meeting, or until the appearance of the President.

4. Immediately after the President shall have taken the chair, the minutes of the preceding meeting shall be read by the Clerk, to the end that any mistake therein may be corrected by the Board.

5. The President, in all cases, has the right of voting; and when the Board shall be equally divided, including his vote, the question shall be lost.

6. Whenever it shall be moved and carried that the Board go into a Committee of the Whole, the President shall leave the chair and shall appoint a Chairman of the Committee of the Whole, who shall report the proceedings of the Committee.

The rules of the Board shall be observed in the Committee of the Whole, except the rules regulating a call for the ayes and noes, and limiting the time of speaking.

7. On motion in Committee to rise and report the question, it shall be decided without debate.

8. No amendment shall be allowed in the Board on any question which has been decided in Committee of the Whole, unless by consent of two-thirds of the members present.

9. The President shall cause the Clerk to make a list of the Ordinances, Resolutions or Reports on the table, which shall be considered "the general orders of the day."

THE ORDER OF BUSINESS,

which shall not be departed from, except by the consent of five members voting therefor, shall be as follows :

1st. Presentation of Petitions.

2d. Reports of Committees.

3d. Communications and Reports from the Departments or Corporation Officers.

4th. Motions or Resolutions.

5th. Unfinished business.

6th. Special Orders of the Day.

7th. General Orders of the Day.

10. Messages or papers from the Mayor or other Board, may be considered at any time.

11. If the question in debate contains several points, any member may have the same divided.

12. When a question has been once put and decided, it shall be in order for any member who voted in the majority, to move for the reconsideration thereof, but no motion for the reconsideration of any vote shall be made after the Ordinance, Resolution or Act shall have gone out of the possession of the Board ; and no motion of reconsideration shall be made more than once.

13. A motion to refer or lay on the table, until it is decided, shall preclude all amendments to the main question.

14. No Ordinance or Resolution sent to this Board from the other Board for concurrence shall be called up for final passage on the same day on which it has passed the other Board, unless by a majority of two-thirds of the members present voting to consider it finally.

15. It shall be the duty of the Clerk to certify and send to the other Board every Act, Ordinance and Resolution which has originated in and passed the Board of Aldermen, [or Board of Assistants,] and which requires a concurrent vote of the Board of Assistants, [or Board of Aldermen] ; and the Clerk shall certify to the other Board the proceedings of this Board in reference to all Acts or business originating with the other Board.

16. The President shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the Board.

17. Every member, previous to his speaking, shall rise from his seat and address himself to the President.

18. When two or more members shall rise at once, the President shall name the member who is first to speak.

19. No person shall speak *longer than ten minutes at a time*,* nor more than twice to the same question, without leave of the Board ; nor more than once until every member choosing to speak shall have spoken ; nor more than once upon the previous question.

20. No question on a motion shall be debated or put, unless the same be seconded. When a motion is seconded, it shall be stated by the President before debate ; and every such motion shall be reduced to writing if any member desire it.

21. After a motion is stated by the President, it shall be deemed to be in possession of the Board ; but it may be withdrawn at any time before decision or amendment.

22. When the question is under debate, no motion shall be received, unless—

1st. To amend it.

2d. To commit it.

3d. To lay on the table.

4th. To postpone.

5th. The previous question.

6th. To adjourn.

23. A motion to adjourn shall always be in order, and shall be decided without debate.

24. The previous question, until it is decided, shall preclude all amendments and debate of the main question, and shall be in this form : “ Shall the main question be now put ? ”

25. Every member, who shall be present when a question is put, shall vote for or against the same, unless the Board shall excuse him, or unless he be immediately interested in the question, in which case he shall not vote ; but no member shall be permitted to vote upon a question when a division is called, unless present when his name is called in its regular order.

26. A member called to order shall immediately sit down, unless permitted to explain, and the Board, if appealed to, shall decide on the case, but without debate. If there be no appeal, the decision of the chair shall be submitted to.

27. All questions shall be put in the order they are moved, except in filling up blanks, the longest time and the largest sum shall be first put.

* The words in italics have not been adopted in the Board of Assistant Aldermen.

28. Upon a division of the Board, the names of those who vote for, and those who vote against a question, shall be entered upon the minutes; not only in the case required by law, but when any two members shall require it, "and in all appropriations of public money, the ayes and noes shall be called by the Clerk, and recorded."

29. In all divisions taken by the Board, on the call of a member, it shall also be the duty of the Clerk to enter on the minutes the names of the members so calling for a division.

30. An appointment of officers shall be by ballot, unless dispensed with by the unanimous consent of the Board, and a majority of the whole number present shall be necessary to constitute a choice.

31. No member shall absent himself without permission from the President.

32. All Committees shall be appointed by the President, unless otherwise ordered by the Board. Committees appointed to report on any subject referred to them by the Board, shall report a statement of facts, and also their opinion thereon, in writing; and no report shall be received unless the same be signed by a majority of the Committee.

33. Whenever the doors are directed to be closed, all persons, excepting the members and the clerk, shall retire.

34. Every petition, remonstrance, or other written application, intended to be presented to the Common Council, is to be delivered to the President, or any other member of the Board, on any day, but not later than four o'clock on the day on which the Common Council convene, except on extraordinary occasions; and the President or other member to whom it shall be given, shall examine the same, and endorse thereon the name of the applicant and the substance of such application, and sign his name thereto; which endorsement only shall be read by the President, unless a member shall require the reading of the paper, in which case the whole shall be read.

35. The members of the Board shall not leave their places on adjournment, until the President leaves the chair.

36. The President may call special meetings of the Board, whenever, in his judgment, the interests of the city may require it.

37. The President shall be, ex-officio, a member of all committees; but a majority of such committee, exclusive of the President, shall be sufficient to agree upon a report.

A true copy.

E. A. EDGERTON, CLERK.

RULES AND ORDERS

OF THE

BOARD OF COUNTY SUPERVISORS.

ADOPTED NOVEMBER 15th, 1852.

1. Upon the appearance of seven members, the President, or in his absence, a President pro tem., shall take the chair, and the members shall be called to order.

2. Whenever the President may wish to leave the chair, he shall have the power to substitute a member in his place, provided that substitution shall not continue beyond the day on which it is made.

3. In case the President shall not attend, the Clerk on the appearance of seven members, shall call the Board of order, when a President pro tem. shall be appointed by the Board for that meeting, or until the appearance of the President.

4. Immediately after the President shall have taken the chair, the minutes of the preceding meeting shall be read by the Clerk, to the end that any mistake therein may be corrected by the Board.

5. The President, in all cases, has the right of voting; and when the Board shall be equally divided, including his vote, the question shall be lost.

6. Whenever it shall be moved and carried that the Board go into a Committee of the Whole, the President shall leave the chair and appoint a Chairman of the Committee of the Whole, who shall report the proceedings of the Committee.

The rules of the Board shall be observed in the Committee of the Whole, except the rules regulating the call for the ayes and noes, and limiting the time of speaking.

7. On motion in Committee to rise and report the question, it shall be decided without debate.

8. No amendment shall be allowed in the Board on any question which has been decided in Committee of the Whole, unless by consent of two-thirds of the members present.

9. The President shall cause the Clerk to make a list of the Orders, Resolutions or Reports on the table, which shall be considered "the general orders of the day."

THE ORDER OF BUSINESS,

Which shall not be departed from, except by the consent of seven members voting therefor, shall be as follows:

1st. Presentation of Petitions.

2d. Reports of Committees.

3d. Communications and Reports from the County Officers.

4th. Orders, Motions or Resolutions.

5th. Unfinished Business.

6th. Presentation of Bills and Accounts.

7th. Special Orders of the Day.

8th. General Orders of the Day.

10. If any question in debate contains several points, any member may have the same divided.

11. When a question has once been put and decided, it shall be in order for any member who voted in the majority, to move for the reconsideration thereof, but no motion for the reconsideration of any vote shall be made after the order, resolution or act shall have gone out of the possession of the Board; and no motion of reconsideration shall be made more than once.

12. A motion to refer or lay on the table, until it is decided, shall preclude all amendments to the main question.

13. It shall be the duty of the Clerk to issue such certificates as may be directed by Orders or Resolutions, and to engross all orders, resolutions or acts requiring the signature of the President, to the end that they may be placed on file in addition to the records required to be kept by the Act creating this Board.

14. All accounts and bills presented shall be referred to committees, that they may report upon the same before final action is taken by this Board.

15. The President shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the Board.

16. Every member, previous to his speaking, shall rise from his seat and address himself to the President.

17. When two or more members shall rise at once, the President shall name the member who is first to speak.

18. No person shall speak more than twice to the same question, without leave of the Board ; nor more than once until every member choosing to speak shall have spoken ; nor more than once upon the previous question.

19. No question on a motion shall be debated or put, unless the same be seconded. When a motion is seconded, it shall be stated by the President before debate ; and every such motion shall be reduced to writing if any member desire it.

20. After a motion is stated by the President, it shall be deemed to be in possession of the Board ; but it may be withdrawn at any time before decision or amendment.

21. When the question is under debate, no motion shall be received, unless—

1st—To amend it.

4th—To postpone.

2d—To commit it.

5th—The previous question.

3d—To lay on the table.

6th—To adjourn.

22. A motion to adjourn shall always be in order, and shall be decided without debate.

23. The previous question, until it is decided, shall preclude all amendments and debate of the main question, and shall be in this form:—" Shall the main question be now put ? "

24. Every member who shall be present when a question is put, shall vote for or against the same, unless the Board shall excuse him, or unless he be immediately interested in the question, in which case he shall not vote ; but no member shall be permitted to vote upon a question when a division is called, unless present when his name is called in its regular order.

25. A member called to order shall immediately sit down, unless permitted to explain, and the Board, if appealed to, shall decide on the case, but without debate. If there be no appeal, the decision of the chair shall be submitted to.

26. All questions shall be put in the order they are moved, except in filling up blanks, the longest time and the largest sum shall be first put.

27. Upon a division of the Board, the names of those who vote for, and those who vote against a question, shall be entered upon the minutes ; not only in the case required by law, but when any two members shall require it, " and in all appropriations of public money, if over one hundred dollars, the ayes and noes shall be called by the Clerk, and recorded."

28. In all divisions taken by the Board, on the call of a member,

it shall also be the duty of the Clerk to enter on the minutes the names of the members so calling for a division.

29. An appointment of officers shall be by ballot, unless dispensed with by the unanimous consent of the Board, and a majority of the whole number present shall be necessary to constitute a choice.

30. No member shall absent himself without permission from the President.

31. All committees shall be appointed by the President, unless otherwise ordered by the Board. Committees appointed to report on any subject referred to them by the Board, shall report a statement of facts, and also their opinion thereon, in writing; and no report shall be received unless the same be signed by a majority of the committee.

32. Whenever the doors are directed to be closed, all persons except the members and the clerk, shall retire.

33. Every other petition, remonstrance, or written application, intended to be presented to the Supervisors, is to be delivered to the President or any other member of the Board, on any day, but not later than twelve o'clock on the day on which the Supervisors convene, except on extraordinary occasions; and the President or other member to whom it shall be given, shall examine the same, and endorse thereon the name of the applicant and the substance of such application, and sign his name thereto; which endorsement only shall be read by the President, unless a member shall require the reading of the paper, in which case the whole shall be read.

34. The members of the Board shall not leave their places on adjournment, until the President leaves the chair.

35. The President may call special meetings of the Board, whenever in his judgment, the interests of the county may require it.

36. The President shall be, ex officio, a member of all committees; but a majority of such committee, exclusive of the President, shall be sufficient to agree upon a report.

(A true copy.)

E. A. EDGERTON, CLERK.

CHARTERS

OF THE

CITY OF SAN FRANCISCO.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

ARTICLE I.

OF BOUNDARIES, GENERAL POWERS, AND FORMATION OF WARDS.

Section 1. The boundaries of the City of San Francisco shall be as follows: The southern boundary shall be a line two miles distant, in a southerly direction, from the centre of Portsmouth Square, and which line shall be parallel to the street known as Clay street. The western boundary shall be a line one mile and a half distant, in a westerly direction, from the centre of Portsmouth Square, and which line shall be parallel to the street known as Kearney street. The northern and eastern boundaries shall be the same as those of the county of San Francisco: but nothing in this section shall be construed to divest or in any manner prejudice any right or privilege to which the city of San Francisco may be entitled beyond the limits above described.

Boundaries of city.

Sec. 2. The inhabitants of the city of San Francisco, within the limits above described, shall be, and they are hereby constituted, a body politic and corporate in fact and in law, by the name and style of "The City of San Francisco;" and by that name they and their successors shall be known in law, have perpetual succession, sue and be sued, plead and be impleaded, defend and

Incorporation and style of city corporate powers, &c.

be defended in all courts of law and in all actions whatsoever ; may grant, purchase, hold, and receive property, real and personal, within said city ; may lease, sell, and dispose of the same for the benefit of the city ; may purchase, hold, and receive property, real and personal, beyond the limits of the city, to be used for burial purposes, also for the establishment of a hospital for the reception of persons affected with contagious or other diseases, also for a workhouse or house of correction, also for the erection of water-works to supply the city with water, and may sell, lease, or dispose of the same for the benefit of the city ; and they shall have and use a common seal, and may alter or break the same, and make a new seal at pleasure.

City to be divided
into eight wards.

Sec. 3. The city of San Francisco shall be divided into eight wards, which shall not be altered, increased, or diminished in number except by action of the Legislature, so that each ward shall contain, as near as may be, the same number of white male inhabitants. The first Council elected under this Charter shall divide the city into wards, and fix the boundaries thereof, in accordance with this section.

ARTICLE II.

OF THE GOVERNMENT OF THE CITY, AND THE ELECTION AND DUTIES OF OFFICERS.

Officers.

Section 1. For the government of the city, there shall be elected a Mayor, Recorder, and a Board of Aldermen, and a Board of Assistant Aldermen, which two Boards shall be styled the "Common Council ;" and each Board shall consist of one member from each ward. There shall also be elected by the city, a Treasurer, Comptroller, Street Commissioner, Collector of City Taxes, City Marshal and City Attorney, and by each ward, two Assessors. No person shall be eligible to any of said offices, nor to any other office which may be established by ordinance, nor shall any person be entitled to vote for the same, who shall not be a qualified elector according to the Constitution and laws of this State, and who shall not have resided in the city and in the ward or district for which he shall be elected or offer to vote, for thirty days next preceding the election.

Who qualified as
officers.

Who qualified to
vote for officers.

Proceedings of
boards of alder-
men and assist-
ants, and their
powers.

Section 2. The two Boards, elected under this Act, shall assemble within five days after their election, and be qualified, and each Board shall appoint, from its own body, a presiding officer, and choose its own Clerk and officers. In case of the absence of

the President, they may elect a President *pro tem.* who shall have all the powers and perform all the duties of President; they shall by ordinance fix the times and places for holding their stated meetings, and may be convened by the Mayor at any time; a majority of the members shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties, as they may previously by ordinance have prescribed; they shall judge of the qualifications, elections and returns of their own members, and the other officers elected under this Act; they may determine contested elections; they may determine rules for their own proceedings, punish any member, or other person, for disorderly conduct in their presence; and, with the concurrence of two-thirds of their number, expel any member, but not a second time for the same cause. They shall keep a journal of their proceedings, and, at the desire of any member, shall cause the yeas and nays to be taken and entered, on any question; and their proceedings shall be public.

To keep a journal, and proceedings to be public.

Sec. 3. All vacancies that may occur shall be filled by election in such manner as shall be prescribed by ordinance.

Vacancies—how filled.

Sec. 4. The general election for all the officers of the Corporation, required to be elected by this Act, or any ordinance of the city, shall be held on the fourth Monday of April in each year.

General election for corporate officers.

Sec. 5. At all elections for City Officers, the voters shall vote by ballot, and only in the wards where they respectively reside.

Elections for city officers to be by ballot.

Sec. 6. It shall be the duty of the Common Council to order all elections; to designate the places of holding the same; to give at least ten days' notice thereof; and to appoint Inspectors of Election at each place of voting.

Common council to order elections and give notice of time and place, &c.

The elections shall be conducted according to the provisions of the "Act to regulate Elections."

Conduct of elections.

If any Inspector shall fail to attend, the electors present may appoint another in his stead. The returns of all elections shall be made to the Common Council, who shall publicly examine and declare the result thereof, and give certificates of election to the persons chosen: *Provided*, that the first election to be held under this

Election returns to common council, and their duty.

charter shall take place at such time and place as the County Clerk may direct, a notice of ten days being first given by him. Immediately upon the passage of this Act, the Governor shall cause a certified copy thereof to be transmitted to the said County Clerk elect of the county of San Francisco, who shall thereupon, without delay, give the said required notice of ten days, and shall designate the places of holding said election, and appoint Inspectors.

First election under charter.

The returns of such election shall be made to said County Clerk elect, who shall declare the result, and give certificates of election to the persons chosen to the several offices. At the first election, eight Aldermen, and eight Assistant Aldermen, and eight Assessors only, shall be chosen by the city at large, and the qualifications required by Section 1, of this Article, as to residence in any ward or district, shall not be deemed to apply. The officers chosen shall hold office until the fourth Monday of April next, and until their successors are elected and qualified.

Who to be declared duly elected.

Sec. 7. The persons who shall have received a plurality of votes shall be declared duly elected, and the Inspectors of Election may also give certificates of election until the Common Council shall have examined the returns and declared the result according to the preceding sections.

Elections—where not to be held.

Sec. 8. No election shall be held in any grog-shop or other place where intoxicating liquors are vended.

Time of continuance of elections.

Sec. 9. All elections for City Officers shall continue but one day, and during that day from sunrise till sunset; the polls shall not be closed under any pretence whatsoever.

Mayor, at least, once a year, to make general statement to common council of condition of city.

Sec. 10. It shall be the duty of the Mayor to communicate to the Common Council at least once in each year, and oftener if he shall deem it expedient, a general statement of the situation and condition of the city in relation to its government, finances and improvements, to recommend to the Common Council the adoption of all such measures connected with the police, security, the public health, cleanliness and ornament of the city, and the improvement of the government and finances, as he shall deem expedient; to be vigilant and active in causing the laws and ordinances of the city government to be duly executed and enforced; to exercise a constant supervision and control over the conduct and acts of all subordinate officers; to receive and examine into all such complaints as may be preferred against any of them for violation or neglect of duty, and certify the same to the Common Council, who shall act upon the same; and if they find the complaint to be true, shall have power to declare the office of the person so complained against to be vacant, and the same shall be filled as is hereinafter mentioned; and the Mayor shall generally perform all such duties as may be prescribed to him by the charter and city ordinances, and the laws of this State and the United States.

Other duties of mayor.

Jurisdiction of recorder over offences committed within the city.

Sec. 11. The Recorder, as to the offences committed within the city, shall have the like jurisdiction as is or may be conferred upon Justices of the Peace, and shall have the same power as a

Justice of the Peace, to examine and commit persons brought before him and charged with the commission of offences within the limits of the city; to take recognizances to appear and keep the peace; and to issue all such writs and processes as a Justice of the Peace may lawfully do, subject to all the rules governing Justices of the Peace.

Sec. 12. The Recorder shall also have jurisdiction over all violations of the city ordinances, and may, according to the provisions of such ordinances, hold to bail, fine, or commit to prison, persons found guilty of any violation thereof. Further jurisdiction of recorder.

Sec. 13. It shall be the duty of the City Marshal, in addition to the duties prescribed to him by the Common Council, to execute and return all processes issued by the Recorder, or directed to him by any legal authority, and to attend upon the Recorder's Court regularly; he may appoint one or more deputies, who shall possess the same power and authority as the Marshal; he shall arrest all persons guilty of a breach of the peace, and of violation of the city ordinances, and bring them before the Recorder for trial; and he shall possess superintending control over the City Police. Duties of city marshal.

Sec. 14. It shall be the duty of the Assessors, in addition to the duties that may be prescribed to them by the Common Council, to make out within such time as the Common Council shall order, a correct list of all the property taxable by law within the limits of the said city, with the valuation thereof; which list, certified by them, shall be returned to the Common Council. The mode of making out said list and of ascertaining the value of property, and of collecting all taxes, shall be the same as that prescribed by the law for assessing and collecting the State tax. Duties of assessors.

Sec. 15. It shall be the duty of the City Attorney to attend to all suits, matters, and things in which the city may be legally interested; to give his advice or opinion in writing, whenever required by the Mayor or Common Council; and to do and perform all such things touching his office as by the Common Council may be required of him. Duties of city attorney.

Sec. 16. It shall be the duty of the Treasurer to receive all moneys that shall come to said city, either by taxation or otherwise, and to pay the same out, under such restrictions and regulations as the Common Council shall by ordinance direct, and to do and perform all such other acts as shall be prescribed to him by the Common Council. He shall, on the first day of January, April, July and October of each year, make out and present to the Mayor, a Duties of treasurer.

full and complete statement of the receipts published in the manner to be prescribed by ordinance.

City officers to take oath of office, and also to give bond.

Sec. 17. All city officers, before entering upon the duties of their office, shall take the oath of office; the Marshal, Attorney, Assessor and Treasurer, shall also give bond, with sureties, to be approved by the Mayor, payable to the Corporation by its corporate name, in such penalty as may be prescribed by ordinance, conditioned for the faithful performance of the duties of their office; and the like bond may be required of any officer whose office may be created by ordinance. Should the bond of any city officer become insufficient, he may be required to give additional bond, and upon his failure so to do, his office shall be deemed vacant.

When office to be deemed vacant.

Sec. 18. If any person elected to any city office shall remove from the city, absent himself therefrom for more than thirty days, without leave from the Common Council, or shall fail to qualify within ten days after the day of election, his office shall be deemed vacant.

When officers to qualify.

Sec. 19. The Mayor, Recorder, Board of Aldermen, and Board of Assistant Aldermen, shall be qualified within three days after their election, and shall enter upon the discharge of their duties. All other officers elected under this Act shall qualify within ten days after the day of election; all officers required to be elected under this Act shall hold their offices for one year, or until their successors are duly qualified.

Common council to define duties of certain officers.

Sec. 20. It shall be the duty of the Common Council to define the duties of the Comptroller, Street Commissioner, Collectors, and all other officers whose duties are not herein defined.

ARTICLE III.

OF THE POWERS OF THE COMMON COUNCIL.

Powers of mayor and common council within the city.

Sec. 1. The Mayor and Common Council shall have power within the city:

1. To make by-laws and ordinances not repugnant to the Constitution and laws of the United States or of this State.

2. To levy and collect taxes not exceeding one per cent. per annum, upon all property made taxable by law for State purposes.

3. To borrow money and pledge the faith of the city therefor, provided the aggregate amount of the debts of the city shall never exceed three times its annual estimated revenues.

4. To make regulations to prevent the introduction of contagious and other diseases into the city.

5. To establish hospitals, and make regulations for the government of the same, and to secure the general health of the inhabitants.

6. To prevent and remove nuisances.

7. To erect waterworks either within or beyond the limits of the corporation, and provide the city with water.

8. To provide for licensing any and all business not prohibited by law.

9. To provide for the erection of all public buildings for the use of the city.

10. To establish, erect, and keep in repair, bridges, culverts, and all other useful improvements, and regulate the use of the same.

11. To license, tax, and regulate auctioneers, grocers, merchants, retailers, and taverns, to be proportioned to the amount of business done by each person, and to license, tax, regulate, and suppress ordinaries, hawkers, peddlers, brokers, pawnbrokers, and money changers.

13. To license and regulate porters, and fix the rate of portage.

14. To license, tax, and regulate hackney carriages, wagons, carts, drays, and omnibuses, and fix the rates to be charged for the carriage of persons, and the wagonage, cartage, and drayage of property.

15. To license, tax, regulate, and restrain bar-rooms, theatrical and other exhibitions, shows, and amusements.

16. To license, tax, restrain, prohibit, and suppress billiard tables, tippling houses, gaming, and gambling houses, and to suppress bawdy houses.

17. To erect market houses, establish markets and market places, and to provide for the government and regulation thereof.

18. To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.

19. To regulate and prevent the carrying on of manufactures dangerous in causing or producing fires; to appoint fire wardens and property guards, and to compel any person or persons present to aid in extinguishing such fires or in the preservation of property exposed to danger in time of fire, and by ordinance to prescribe such other powers and duties as may be necessary on such occasions.

20. To regulate the weight, quality and price of bread, to be sold within the city.

21. To provide for the appointment of all necessary officers, servants and agents of the corporation, not otherwise provided for.

22. To establish and fix the salaries of the Mayor and all other city officers, fix a tariff of fees for the officers entitled to such, designating the fee which shall be allowed for each particular item of service, and cause the same to be published in like manner with the ordinances passed by the Common Council.

23. To establish and regulate a police.

24. To impose fines, forfeitures and penalties, for the breach of any ordinance.

25. To erect a workhouse or house of correction, and provide for the regulation and government thereof.

26. To remove all obstructions from the side walks, and to provide for the construction, repair and cleaning of the same, and of the gutters.

27. To establish, support and regulate, night watch and patrols.

28. To erect, repair and regulate, public wharves and docks ; to regulate the erection and repair of private wharves, and fix the rates of wharfage thereat.

29. To appropriate money for any item of city expenditure, and to provide for the payment of the debts and expenses of the city.

30. To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve, clean and keep in repair, streets and alleys ; but no private property shall be taken without just compensation, as hereinafter provided for.

31. To regulate the storage of gunpowder, tar, pitch, resin, and all other combustible materials, and the use of candles and lights in shops, stables, and other places ; to prevent or remove any fire-place, stove, chimney, oven, boiler, or other apparatus, which may be dangerous in causing or promoting fires.

32. To regulate and prescribe the manner of building partition walls and fences.

33. To impose and appropriate fines, forfeitures and penalties, for the breach of any ordinance, and to provide for the punishment of breaches of the city ordinances ; but no fine shall be imposed of more than five hundred dollars, and no offender shall be imprisoned for a longer term than ten days.

34. To prevent and restrain any riot, rout, noise, disturbance, or disorderly assemblage in any street, house, or place in the city.

Ordinances to be
approved by
mayor.

Sec. 2. Every ordinance which shall have been passed by the Common Council, shall, before it becomes effective, be presented to the Mayor for his approbation ; if he approves, he shall sign it ;

if not, he shall return it with his objections in writing to the Common Council, who shall cause the same to be entered on its Journals, and shall proceed to reconsider the same; if after such reconsideration, two thirds of all the members of each Board of the Common Council elect, shall agree to pass the same, it shall become an ordinance. In all such cases, the vote shall be taken by yeas and nays, and the names of the members voting for, and against, the same, shall be entered on the journal. If any ordinance shall not be returned by the Mayor within ten days (Sundays excepted,) after it shall have been presented to him, the same shall become effective as if the Mayor had signed it.

When ordinance may pass without being approved by mayor.

Sec. 3. All accounts and demands against the city shall be audited, and paid in manner to be provided by the Common Council. The certificate shall be drawn upon the Treasurer of the city, and shall specify the fund out of which the same is payable. The Treasurer shall pay the same out of any money in his hands belonging to said fund.

Common council to provide for payment of demands on city.

Sec. 4. The style of the city ordinances shall be as follows: "The people of the city of San Francisco do ordain as follows." The President of the Board of Aldermen shall exercise the duties and receive the compensation of Mayor, whenever, and so long as, from any cause, said office of Mayor shall be vacant, or the Mayor be absent from the city.

Style of city ordinances. Vacancies in office of mayor—how supplied.

ARTICLE IV.

OF LAYING OUT, CHANGING AND IMPROVING STREETS.

Section 1. Whenever it becomes necessary for the corporation to take private property for the purpose of laying out or altering streets or alleys, and the Common Council cannot agree with the owner as to the price to be paid, the Council may direct proceedings to be taken to ascertain the value of such property.

Private property may be taken for streets.

Sec. 2. To determine such value, a petition, in the name of the corporation, shall be presented to the County Court, at a regular term, particularly describing the property, and praying the appointment of commissioners to ascertain its value. If the owner is a resident of the county, he shall have personal notice of the application, and of the time at which it will be presented. If he be a non-resident of the county, the notice shall be given by publication for at least one month, in some daily newspaper printed in the county, and a copy of such notice shall be sent to him, if his place of residence can be ascertained.

Petition for commission to ascertain value of property. Notice to owner of such petition.

Court to be satisfied that due notice has been given.

Sec. 3. The court, before hearing the application, shall have satisfactory evidence that notice, as required in the preceeding section, has been given. When the owner is a non-resident of the county, the court may adjourn the application for such time as may be reasonable, and may direct further notice to be given.

Five commissioners to report on value.

Sec. 4. When satisfied that sufficient notice has been given, the court shall, by entry in its minutes, appoint five disinterested persons as commissioners, to ascertain the compensation, specifying in the entry the time and place for the first meeting of the commissioners.

Commissioners to determine amount to be paid for property and costs, &c., and give certificate thereof.

Sec. 5. The commissioners shall be sworn to discharge their duties faithfully and impartially. They shall view the premises, and ascertain and certify the compensation proper to be paid to the owner for the property to taken, and may, in their discretion, assess a reasonable sum, to be paid to the owner for costs and expenses. They, or a majority of them, shall make, subscribe, and file with the County Clerk, a certificate of their assessments. The court, upon such certificate, and due proof that the amount determined has been paid to the party interested or into court, shall cause an entry to be made in its minutes, describing the property, setting forth the ascertainment of compensation and the payment as aforesaid.

On proof of payment by commissioners, their certificate to be entered on minutes of court.

Such entry to vest title in the corporation. Certified copy of entry to be recorded.

Sec. 6. Upon such entry being made, the corporation shall be entitled to use and occupy the property, as fully as if conveyed to it by the owner. A certified copy of this entry shall be recorded in the Recorder's office of the county, in the like manner and with the like effect as if it were a deed of conveyance from the owner.

Common council desiring to alter any street, to give notice to owners of property.

Sec. 7. Whenever it is desired by the Common Council to pave, grade, light, water, or otherwise alter or improve any street or lane, they shall first give a notice of ten days thereof to all the owners of the land opposite which the making of the said alteration or improvement shall be contemplated. And such notice shall be given to said owners in person, if they can be found; but if they cannot be found, then by posting the same upon a conspicuous part of the said land of such person, and by publishing the said notice in some daily paper for ten successive days. If one

One-third of owners objecting, alteration not to be made.

third of all the owners of said land opposite which the alteration or improvement shall be contemplated shall, within the period of notice above required, make to the Common Council in writing, a protest against said alteration or improvement, the same shall not be made, nor again be proposed for thirty days; and should such protest not be made as above, the Common Council may make such contemplated alteration or improvement, and one-third of all the

Owners not objecting, alterations to be made.

Expense of alteration.

expense of the same shall be paid out of the city treasury, and the remaining two-thirds shall be paid in equal proportions by the land on both sides of the street or lane, and opposite to which such alteration or improvement shall be made; and whenever three-fourths of all the persons owning land in any street or lane, or any section thereof, shall apply to the Common Council for any alteration or improvement, the same shall be made by the Common Council on the terms above mentioned: *Provided*, there shall be funds in the city treasury not otherwise appropriated.

Three-fourths of owners requiring alterations.

ARTICLE V.

MISCELLANEOUS PROVISIONS.

Section 1. Upon the passage of all bills appropriating money, imposing taxes, increasing, lessening, or abolishing, licenses, or for borrowing money, the yeas and nays shall be entered on the journals.

On passage of certain bills, yeas and nays to be entered in journal.

Sec. 2. A majority of all the members elected shall be necessary to pass a tax bill, bills appropriating for any purpose the sum of five hundred dollars or upwards, and bills in anywise increasing or diminishing the city revenue.

Certain bills can only be passed by a majority of all the members.

Sec. 3. The Mayor may call special sessions of the Common Council at any time by proclamation. And he shall state to them when assembled, the cause for which they have been convened.

Special sessions of common council.

Sec. 4. When two or more persons have an equal and the highest number of votes for the office of Mayor, the Common Council shall decide the election by joint ballot.

Election of mayor where two or more have equal number of votes.

Sec. 5. All resolutions and ordinances calling for the appropriation of any sum of money exceeding fifteen thousand dollars, shall lie over for the space of ten days, and be published for one week in at least one public daily paper.

Certain resolutions and ordinances to lie for ten days and be advertised.

Sec. 6. No member of the City Council shall, during the period for which he is elected, be interested in any contract, the expenses of which are to be paid out of the public treasury.

Members of council not to be interested in contracts.

Sec. 7. The Legislature may at any time alter, amend, or repeal this charter.

Charter may be amended.

Sec. 8. The city shall not at any time become a subscriber for any stock in any corporation.

City not to subscribe for stock.

Sec. 9. The fiscal year of the city shall terminate on the first day of June in each year.

Fiscal year.

Sec. 10. The City Council shall cause to be published, within one month after the end of each fiscal year, a full, complete, and

City council to publish annually an account of receipts and payments.

detailed statement of all moneys received and expended by the corporation during the preceding fiscal year, and on what account received and expended, classifying each receipt and expenditure under its appropriate head.

Power of existing municipal officers to cease.

Sec. 11. All the powers and functions of Prefect, Sub-Prefect, Alcaldes, Second Alcaldes, the Ayuntamiento, and all other officers whatsoever, heretofore exercising authority in the Municipal Government of the Pueblo of Yerba Buena, or San Francisco, or city of San Francisco, shall cease and determine from and after the day on which the officers prescribed by this Act shall be duly elected and qualified.

Passed April 15, 1850.

AN ACT
TO RE-INCORPORATE
THE
CITY OF SAN FRANCISCO.

*The People of the State of California, represented in Senate
and Assembly, do enact as follows :*

ARTICLE I.

GENERAL POWERS, BOUNDARIES AND WARDS.

Section 1. The People of the City of San Francisco shall continue to be a body politic and corporate, under the style of the “City of San Francisco,” and by that name they shall have perpetual succession, may complain and defend in all courts and in all actions and proceedings, and may purchase, receive, and hold property, real and personal, and sell or otherwise dispose of the same for their common benefit: *Provided*, that they shall purchase without the city only such property as may be necessary for the purposes of burial, or for the erection of prisons, hospitals, asylums, and water works for supplying the city with water.

Section 2. The City of San Francisco shall hereafter be bounded as follows: On the south by a line parallel with Clay street, two and a half miles distant, in a southerly direction, from the centre of Portsmouth Square, on the west by a line parallel with Kearny street, two miles distant, in a westerly direction, from the centre of Portsmouth Square. Its northern and eastern boundaries shall be coincident with those of the County of San Francisco.

Wards.

Sec. 3. The said city shall continue as now divided into eight wards, which number shall not be altered, unless by Act of the Legislature. The Common Council shall, at least three months before the general election in the year eighteen hundred and fifty-two, and also during the second year thereafter, re-district the city, so that each ward shall contain as near as may be the same number of inhabitants.

ARTICLE II.

OF ELECTIONS.

City officers.

Section 1. For the government of said city there shall be elected annually, by general ticket, the following officers: A Mayor, Recorder, Comptroller, Treasurer, Collector, Attorney, Marshal, Street Commissioner, and three Assessors; and, also, by the respective wards, a body of Aldermen and a board of Assistant Aldermen.

Who eligible for office.

Sec. 2. No person who is not a qualified voter shall be eligible to any office under this charter, nor shall any person be entitled to vote at any city election unless he shall be an elector for State officers, and have resided in the ward thirty days next preceding said election.

Vacancies.

Sec. 3. All vacancies, except as hereinafter provided, shall be filled by election in such manner as may be prescribed by ordinance.

Notice of election.

Sec. 4. It shall be the duty of the Common Council to call all city elections, to designate the places of holding the same, giving at least ten days's notice thereof, to appoint inspectors of elections, to examine the returns and declare the results, and to determine contested elections.

When elections to be held.

Sec. 5. The first general election for officers under this charter shall be held on the fourth Monday of April, one thousand eight hundred and fifty-one, and thereafter annually at the general election for State officers. No election shall be held in any place where intoxicating liquors are vended.

Law regulating elections.

Sec. 6. All provisions of law regulating elections for State officers shall apply, so far as practicable, to elections under this charter.

Tie votes.

Sec. 7. When two or more persons have an equal, and the highest number of votes for the office of Mayor, the Common Council shall decide the election by joint ballot.

Sec. 8. At the first election under this charter only two ^{As- Assessors.} Assessors shall be elected, and the County Assessor shall act as one of the City Assessors during the term for which he was elected.

ARTICLE III.

OF THE COMMON COUNCIL.

Section 1. The legislative power of the city shall be vested in a Board of Aldermen and a Board of Assistant Aldermen, which ^{Aldermen and Assistants.} shall each consist of one member from each ward, and shall form the Common Council of the city. No person shall be eligible to either Board who shall not be an elector of the ward for which he may be elected; nor shall he be a member except whilst a resident of the ward which he represents.

Sec. 2. Both Boards shall assemble on the first Monday after ^{Meetings of Aldermen.} their election; they shall sit in separate chambers, and their proceedings shall be public. A majority in each Board shall be a quorum, but a smaller number may adjourn from time to time, and may compel the attendance of absent members. Each Board shall elect a president from its own body, choose its clerk and other officers, determine the rules of its proceedings, judge of the qualifications of election of its own members, and keep a journal of its own proceedings, and shall have power to compel the attendance of members, to punish them for disorderly conduct, and, with the consent of two thirds, to expel a member. Either Board may originate or amend any ordinance or resolution, and no ordinance or resolution shall be passed unless by a majority of all the members elected to each Board. On the final passage of every ordinance or resolution ayes and nays shall be taken and entered upon the journal.

Sec. 3. Every ordinance passed by both Boards shall, before ^{Ordinances.} it takes effect, be presented to the Mayor for his approval. If he approve he shall sign it, if not he shall return it with his objections to the Board in which it originated. Said Board shall enter the objections on its journal, and publish them in some city newspaper. If at any stated meeting thereafter two thirds of all the members elected to each Board shall agree to pass said ordinance, notwithstanding the objections of the Mayor, it shall become a law. Should any ordinance not be returned by the Mayor within ten days after he shall have received it, it shall become a law, the same as if it had received his signature.

Sec. 4. Every ordinance providing for any specific improve- ^{The like.}

ment, the creation of any office, or the granting of any privilege, or involving the sale, lease, or other appropriation of public property, or the expenditure of public moneys (except for sums less than five hundred dollars), or laying any tax or assessment, and every ordinance imposing a new duty or penalty, shall, after its passage by either Board, and before being sent to the other, be published with the ayes and nays in some city newspaper, and no ordinance or resolution which shall have passed one Board shall be acted upon by the other on the same day, unless by unanimous consent.

Limiting power
of Common
Council.

Sec. 5. The Common Council shall not create, nor permit to accrue, any debts or liabilities which, in the aggregate with all former debts or liabilities, shall exceed the sum of fifty thousand dollars over and above the annual revenue of the city, unless the same shall be authorized by ordinance for some specific object, which ordinance shall provide ways and means, exclusive of loans, for the payment of the interest thereon as it falls due, and also to pay and discharge the principal within twelve years; but no such ordinance shall take effect until it shall have been submitted to the people and receive a majority of all the votes cast at such election; and all moneys raised by authority of such ordinance shall be applied only to the object therein mentioned, or to the payment of the debt thereby created: *Provided*, that the present debt of the city, with the interest accruing thereon, shall make no part of the fifty thousand dollars aforesaid.

The like.

Sec. 6. The Common Council shall have no power to borrow money on the credit of the city, unless they shall by ordinance direct the same in anticipation of the revenue for the current year, and shall provide in said ordinance for repaying the same out of such revenue, nor in such case shall they borrow a sum to exceed fifty thousand dollars; but a larger sum may be raised by loan for the purpose of extinguishing the present liabilities of the city, whenever the ordinance providing for the same shall first be approved by the electors of the city at any general election: *Provided*, that said loan shall bear a yearly rate of interest not to exceed ten per cent. and shall be payable within twenty years.

The like.

Sec. 7. The Common Council shall have no power to emit bills of credit or to issue or put in circulation any paper or device as a representative of value or evidence of indebtedness, to award damages for the non-performance or failure on their part of any contract, to loan the credit of the city, to subscribe to the stock of any association or corporation, or to increase the funded debt of the city unless the ordinance for that purpose be first approved by the

people at a general election ; but this section shall not be construed to prohibit the auditing and certifying of accounts by the proper officers to the creditors of the city, but no such audited or certified accounts shall draw interest.

Sec. 8. Annual and occasional appropriations shall be made by ordinance for every branch and object of city expenditure, and no money shall be drawn from the treasury unless the same shall have been previously appropriated to the purpose for which it is drawn. Every warrant upon the treasury shall be signed by the Comptroller and countersigned by the Mayor, and shall specify the appropriation under which it is issued, and the date of the ordinance making the same. It shall also state from what fund and for what purpose the amount specified is to be paid.

Sec. 9. There shall be elected annually by ballot a joint committee of accounts, of accounts, to consist of three members from each Board, who shall meet at least once a month and examine all accounts of the finance department, and report thereon in writing to both Boards of the Common Council.

Sec. 10. No member of the Common Council shall, during the period for which he was elected, be appointed to any office under this charter, nor be interested in any contract or business, or the sale of any article, the expense of which is borne by the city ; nor shall any member be interested in the purchase of any property belonging to the city, or which may be sold for city taxes ; nor shall any member sell or offer for sale to the city any property in which he may be interested.

Sec. 11. No member of the Common Council shall vote on any question in which he may be interested, either personally or as agent for another.

Sec. 12. The Common Council shall have power, and it shall be their duty, annually to raise by tax on the real and personal property in the city, whatever amount of money may be requisite for the support of free common schools, and to provide suitable buildings therefor.

Sec. 13. They shall also have power within the city to pass all proper and necessary laws for the regulation, improvement, and sale of city property ; for the levy and collection of city taxes on all taxable property, not to exceed one per cent. a year upon its assessed value ; for the laying out, making, opening, widening, regulating, and keeping in repair, all streets, roads, bridges, fences, public places and grounds, wharves, docks, piers, slips, sewers, wells, and alleys, and for making the assessments therefor ; for

regulating and collecting wharfage, dockage, and cranage upon all water-craft and all goods landed; for securing the protection, health, cleanliness, ornament, peace, and good order of the city; for the prevention and extinguishment of fires; for regulating firemen, watchmen, policemen, and such other officers as it may be necessary to appoint; for the care and regulation of prisons, markets, houses of correction and industry, alms-houses and asylums; for the support, regulation, and employment of all vagrants and paupers; for licensing, taxing, and regulating all such vehicles, business, and employments as the public good may require, and as may not be prohibited by law, and for revoking such licenses; to prohibit and suppress dram-shops, gambling houses, and houses of ill-fame, gaming, hawking, pawn-broking, and all indecent or immoral practices, amusements, and exhibitions; to regulate the location of slaughter-houses, markets, stables, and houses for the storage of gunpowder and other combustibles; for the establishment of a chain-gang, and rules and regulations for the government of the same, and, in brief, to pass all such other laws and ordinances, for the management, good government, and general welfare of said city, as may not be inconsistent with this charter, or with the laws or constitution of this State or of the United States, and to affix penalties to the violation of any ordinance; but such penalties shall not exceed imprisonment for sixty days and a fine of five hundred dollars.

Appropriations
to Sinking Fund.

Sec. 14. All money to be received from the following sources, shall continue to constitute a sinking fund for the payment of the existing city indebtedness with the interest accruing thereon, until the same shall be cancelled:

1st. The net proceeds of all sales of real estate belonging, or that may hereafter belong to the city:

2d. The net proceeds of all bonds and mortgages payable to the city:

3d. For occupation of private wharves, basins, and piers:

4th. For wharfage, rents, and tolls. Said fund or any part thereof shall not be loaned to any other fund, or expended for any other purposes whatever.

Funding city
debt.

Sec. 15. The Common Council shall at an early day take steps to fund by ordinance the existing debts of the city. The funded debt shall consist of—

1st. The liabilities for the payment of which the city revenue is already pledged:

2d. The creditors of the city may fund the debts respectively due them at the passage of this Act, on such terms as the Common

Council may prescribe, at a rate of interest not to exceed ten per cent. a year, and payable within ten years ; but no bond shall issue of a less denomination than one hundred dollars.

Sec. 16. The Common Council shall have no power to allow extra compensation to any creditor of the city, on account of any depreciation to which the city bonds, warrants, or other evidences of indebtedness may be liable. Depreciation of city funds.

Sec. 17. The Commissioners of the Sinking Fund created by ordinance of the Common Council are hereby prohibited from permanently disposing of any property belonging to the city by sale, lease, or otherwise, and also required to re-convey and deliver to the city, before the tenth day of May next, all property, titles, rights, and interests belonging to the city, and which are or may be in their possession. Commissioners of Sinking Fund.

Sec. 18. The Board of Assistant Aldermen shall have the sole power of impeachment, and all impeachments shall be tried by the Board of Aldermen. No person shall be convicted unless by the concurrence of two thirds of all the members. Judgment, in case of conviction, shall extend no further than removal from office and disqualification from holding any office under the charter ; but the party convicted may be indicted and punished according to law. Impeachment.

ARTICLE IV.

OF EXECUTIVE OFFICERS.

Section 1. The executive power of the corporation shall be vested in the Mayor and such other executive officers as are or may be created by law, and neither the Common Council nor any committee or member thereof shall perform any executive or ministerial business unless especially directed by law. Executive power, in whom vested.

Sec. 2. It shall be the duty of the Mayor,

1st. To communicate to the Common Council semi-annually, and oftener if he shall think proper, a general statement of the situation and condition of the city in relation to its government, finances, and improvements, with such recommendations in relation thereto as he may deem expedient : Mayor to report to Common Council.

2d. To be vigilant and active in causing the laws and ordinances of the city to be duly executed and enforced ; to be the head of Police ; to exercise a constant supervision and control over the conduct of all subordinate officers, and to receive and examine into all such complaints as may be preferred against any of them for violation or neglect of duty, and to certify the same to the

Common Council ; to countersign all licenses and warrants on the Treasury, and generally to perform all such duties as may be prescribed for him by law or by the city ordinances.

Vacancy in office
of Mayor.

Sec. 3. Whenever there shall be a vacancy in the office of Mayor, or the Mayor shall be absent from the city, or be prevented from attending to the duties of his office, the President of the Board of Aldermen shall perform the duties, receive the compensation, and possess all the rights and powers of Mayor during such vacancy, absence, or disability.

Duty of
Treasurer.

Sec. 4. It shall be the duty of the Treasurer to receive and pay out all moneys belonging to the city, and to keep an account of all receipts and expenditures under such regulations as may be prescribed by ordinance. The Treasurer shall make monthly to the Common Council a full statement of the receipts and expenditures of the preceding month, and publish the same in some city newspaper.

Duty of
Comptroller.

Sec. 5. It shall be the duty of the Comptroller to report to the Common Council monthly a full and detailed statement of all the expenses and payments of the city government and the state of each appropriation made by ordinance, and he shall also, at the expiration of the fiscal year, publish a full and detailed statement of the receipts and expenditures of the city during said year, specifying the different sources of revenue and the amount received from each, the several appropriations made by the Common Council, the objects for which they were made, and the amount of money expended under each ; the moneys borrowed on the credit of the city, the authority under which each loan was made and the terms on which it was obtained, the amount of the funded debt and of the interest accrued thereon ; with a detailed statement of the sums owed and the property owned by the city.

Duty of Marshal.

Sec. 6. It shall be the duty of the Marshal to execute all process issued by the Recorder or directed to him by any legal authority ; to attend upon the Recorder's Court ; to arrest all persons guilty of a breach of the peace or violation of any ordinance, and take them before the Recorder ; to supervise and control the city Police, to superintend the city Prison, and to perform all such duties as may be prescribed by ordinance.

Duty of City
Attorney.

Sec. 7. It shall be the duty of the City Attorney to attend to all suits, matters, and things in which the city may be legally interested, to give his advice or opinion in writing whenever required by the Mayor or Common Council, and to perform all such other

services in connexion with his profession as may be required by the Common Council.

Sec. 8. It shall be the duty of the Collector to issue all Duty of Collector. licenses that may be granted by city authority, and to register the same in a suitable book which shall at all times be open for public inspection; to collect all license taxes, and all taxes and assessments that may be due according to the assessment books, and to pay over the same to the Treasury in the specific funds received.

Sec. 9. It shall be the duty of the Assessors to prepare, within Duty of Assessors. such time as the Common Council may direct, a correct list of all the taxable property within the city, with the true valuation thereof, and to present the same, certified by them, to the Common Council. The mode of making out said list and of ascertaining the value of property and of collecting all taxes, shall be the same as is or may be prescribed by law for assessing and collecting the State revenue. Should the owner of any property assessed as aforesaid not be satisfied with the valuation thereof, he may apply, under oath, to the Board of Assessors for the reduction of the assessment. If said Board refuse he may appeal to the Board of Aldermen, and their decision shall be final.

Sec. 10. The Recorder, as to offences committed within the Duty of Recorder. city, shall have like jurisdiction as may be conferred upon Justices of the Peace. He shall also have final jurisdiction in all cases of assault, riot, breach of the peace, and petit larceny, and all crimes and misdemeanors punishable by fine not to exceed five hundred dollars, or imprisonment not to exceed three months, or both such fine and imprisonment.

Sec. 11. The Common Council shall prescribe the duties of all Duties of other officers. officers whose duties are not defined in this Act, or in any other law of this State, and it shall be the duty of the officers of the city generally to perform all such services as may be required by law, or the ordinances of the Common Council.

Sec. 12. The several officers under this charter shall receive Salaries. for their services out of the city Treasury, a compensation to be fixed by ordinance, not to exceed four thousand dollars a year: *Provided*, that the Treasurer shall receive in lieu of salary not to Treasurer. exceed one half of one per cent. on all moneys received, paid out, and accounted for by him, and the Collector not to exceed one per cent. on all moneys collected and paid over.

Sec. 13. The compensation of the Mayor's and Recorder's Clerks' salaries. Clerks shall not exceed two thousand dollars each, per annum, nor

shall that of the Clerk of either Board of Aldermen exceed twelve hundred dollars. Each assessor shall receive not to exceed fifteen hundred dollars, and no officer or department shall be entitled to any clerk or deputy unless as herein expressly provided.

Common
Council.

Sec. 14. The members of the Common Council shall receive no compensation for their services.

When office
deemed vacant.

Sec. 15. If any person elected to a city office shall remove from the city, absent himself therefrom for more than thirty days, or shall fail to qualify within ten days after his election, his office shall be deemed vacant.

Term of office.

Sec. 16. The officers elective under this charter, shall continue in office for one year, or until their successors are qualified; but any officer may be removed for misconduct by impeachment.

Officers to give
security.

Sec. 17. All officers or persons to whom the receipt or expenditure of the moneys or funds of the city shall be intrusted, shall give security in such amount as the Common Council may require, payable to the city, and subject to the approval of the Mayor. Such bond shall be subject to the provisions of law concerning bonds of officers.

Fees, &c.,
to be paid into
treasury.

Sec. 18. All fees, costs, fines, perquisites, or emoluments, for any services to be performed by any officer or person under this charter, or collected under any ordinance of the Common Council, shall be paid over every week by such officer or person into the City Treasury under oath; and no officer shall be entitled to receive his salary till he shall file his affidavit with the Comptroller, that he has faithfully accounted for, and paid over, all moneys for which he is bound to account.

Violating this
act.

Sec. 19. For any violation of the tenth, eleventh, or seventeenth sections of article third, or of the eighth or eighteenth sections of article fourth, or of the seventh section of article sixth of this charter, the party so offending shall be deemed guilty of a misdemeanor, and on conviction thereof, may be punished by fine not to exceed five thousand dollars, and imprisonment not to exceed one year.

Present officers
to continue.

Sec. 20. The officers of the present city government shall continue in office under this charter with such powers and duties as are herein prescribed until their successors are qualified; and nothing herein contained shall be construed to release any persons heretofore holding office in said city, from any personal liabilities which they may have incurred by their official acts.

ARTICLE V.

STREETS AND IMPROVEMENTS.

Section 1. The Mayor, Street Commissioner and Assessors, Commissioners of assessments. shall constitute a Board of Commissioners of Assessment. When private property is taken for public purposes, and the valuation by said Commissioners is not satisfactory to the owner thereof, he may require that the matter be submitted to the jury before the Superior Court, and the value found by the jury, when confirmed by the court, shall be the amount which the owner shall be bound to accept and entitled to receive before the property is taken.

Sec. 2. Whenever the Common Council shall think it expedient to open, alter, or improve, any street or alley, or to improve any public grounds, notice thereof shall be given by publication for ten days, in some daily paper. Should one third of all the owners of the adjacent property protest against the proposed improvement, it shall not then be made. If no such protest be made, the Common Council shall proceed with such improvement, at least two thirds of the expenses of which shall be borne by the property adjacent. Notice of improvements.

Sec. 3. The assessment for said improvement shall be made by the Commissioners named in section first, and shall be proportionate to the advantages respectively derived from such improvement. Assessment for improvements.

Sec. 4. Should any person be dissatisfied with the assessment by said Commissioners, he may appeal to the Board of Aldermen, whose decision shall be final. Appeal from assessment.

Sec. 5. Whenever two thirds of all the persons owning property on any street or lane, shall apply to the Common Council for any improvement thereof, the same shall be made on such conditions as the Common Council may determine, said persons paying, at least, two thirds of the expenses of such improvement. Improvements, on application of owners.

ARTICLE VI.

MISCELLANEOUS PROVISIONS.

Section 1. The fiscal year of the city shall begin on the first day of July. Fiscal year.

- Ordinances. Sec. 2. Every ordinance of the Common Council shall embrace but one subject, and that shall be expressed in its title.
- The like. Sec. 3. The ordaining clause of the city ordinances shall be, "The People of the City of San Francisco do ordain as follows."
- Taxation. Sec. 4. Taxation shall be uniform throughout the city.
- Licenses. Sec. 5. Licenses shall be discriminating and proportionate to the amount of business.
- Sales. Sec. 6. All sales or leases of property belonging to the city shall be by public auction.
- Contracts. Sec. 7. All contracts for work or supplies shall be let to the lowest bidder, after notice given through the public newspapers, and no officer shall be interested in any contract connected with his department.
- Privileges. Sec. 8. The Common Council shall have no power to grant exclusive privileges.
- No inspectors of produce, &c. Sec. 9. The Common Council shall appoint no officers for weighing, measuring, gauging, culling, or inspecting any merchandise, produce, manufacture, or commodity; but nothing in this section shall prevent their passing any ordinance necessary for protecting the public health.
- Amount of taxes. Sec. 10. The Common Council shall have power to raise, by tax, any amount of money that they may deem expedient, whenever the ordinance for that purpose shall have been approved by the people.
- Amendment to charter. Sec. 11. When any amendment to this charter shall have been agreed to by three fourths of all the members elected to each Board, it may be submitted to the people at any general election; and if approved by them, it shall become a part of the charter. Said amendment shall be published at least sixty days before said election. It shall also be the duty of the Common Council to call a convention of delegates for the revision of this charter. Said convention shall meet on the first Monday of March, one thousand eight hundred and fifty-three, and shall consist of three members for each ward. Should the charter as amended and adopted by said convention be approved by the people at any general election, it shall become the charter of the city of San Francisco—subject, however, to the approval of the Legislature.
- Act repealed. Sec. 12. The Act entitled "An Act to incorporate the city of San Francisco," passed April fifteenth, one thousand eight hundred and fifty, is hereby repealed.

Passed April 15, 1851.

THE

REVISED ORDINANCES

OF THE

CITY OF SAN FRANCISCO.

AN ORDINANCE

TO REVISE, CODIFY AND AMEND THE GENERAL ORDINANCES
OF THE CITY OF SAN FRANCISCO, AND TO REDUCE THE
SAME TO ONE ORDINANCE.

The People of the City of San Francisco do ordain as follows:

CHAPTER I.

FINANCE AND REVENUE.

TITLE I.

THE FINANCE DEPARTMENT.

Section 1. The Finance Department shall consist of the Comptroller, Treasurer, three Assessors, Tax Collector, Collector of Assessments, and Inspector of Licenses. Of whom to consist.

Sec. 2. The Comptroller shall be the head of the Finance Department. Its head.

Sec. 3. All claims and demands whatever by or against the Corporation, shall be stated and adjusted in the Finance Department, after having been acted on by the Common Council. Adjustment of claims.

Sec. 4. It shall be the duty of the Comptroller— Comptroller's duties.

1. To superintend the fiscal concerns of the Corporation, and to prescribe the forms of keeping and rendering all public accounts. Accounts.

2. To take charge of all real or leasehold estate of the Corporation, together with the Deeds, Leases, and other muniments of Real estate.

title thereof: to collect all rents of real estate due the city, and pay the same over to the Treasurer.

Contracts, &c.

3. To safely keep all contracts and agreements with, and bonds to, the city.

Claims.

4. To present all accounts in favor of or against the city, for which purpose the same shall be promptly certified and presented in duplicate to the said Comptroller, who shall submit the same to the Common Council, accompanied by a schedule, and when acted upon by them he shall audit the same and draw his warrant therefor in accordance with such action.

Treasurer's account.

5. To compare the accounts of the Treasurer with the vouchers and books of his office, and report the same, with his remarks thereon, to the Common Council.

Accounts of department.

6. To keep accurate accounts of all matters in his department, and to submit the same, with the vouchers, to the Joint Committee of Accounts, as often as they shall be required.

Annual certificate.

7. To make annually an estimate in detail of the receipts and expenditures of the Corporation, and report the same to the Common Council, with the probable amount and rate of tax that will be required for the ensuing fiscal year, and, at the same time, to report all contracts by or with the city unperformed.

Appropriations.

8. To report, forthwith, every appropriation exhausted, where the object thereof is not completed, and the cause of the deficiency.

Annual reports.

9. To report annually to the Common Council the revenues, expenditures, and funds remaining on hand for the past fiscal year.

When to be made.

10. The annual reports shall be made on the first day of July, in each year.

Comptroller's powers.
Rents.

Sec. 5. The Comptroller shall have power to sue for and collect rents due the city, and for the recovery of demised premises.

Evidences of debt.

Sec. 6. He shall keep a strict account of all the evidences of city indebtedness returned to him, and shall mark the same in the record of the issue thereof; and the same, after being carefully examined by him, the Mayor and the Joint Committee of Accounts, shall in their presence be burned.

Heads of departments to furnish estimates.

Sec. 7. The heads of departments, and all other officers, shall, on the requisition of the Comptroller, furnish him with a detailed estimate of the sums which will be required for each distinct object of expenditure in their departments respectively.

Sec. 8. Whenever any appropriation shall be exhausted, and its object not completed, the head of the department having charge thereof shall report to the Comptroller the reason thereof, the work to be done, and the amount requisite to complete it, and the situation of the work.

To report
exhausted
appropriations.

Sec. 9. It shall be the duty of the City Treasurer—

Treasurer's
duties.

1. To receive and safely keep all revenues of the city; to give proper vouchers thereof in duplicate, and to report the same weekly to the Comptroller, and to appropriate such receipts pro rata to the different funds.

To receive and
keep revenues.

2. To pay the Warrants drawn upon him by the Comptroller out of the appropriations made for such purpose, and to report the same weekly to the Comptroller.

To pay warrants
out of appropria-
tions.

3. To report quarterly to the Comptroller the amount of receipts and payments, stating the source of each receipt, and the person to whom and the object for which each payment was made.

Quarterly report.

4. To keep an accurate account of every evidence of city indebtedness received by him, and deliver the same weekly to the Comptroller, taking a receipt for the same.

Evidences of
indebtedness, &c.

5. To pay over the first moneys that shall come into his hands to the Commissioners of the Funded Debt, until the amount so paid over is equal to the sum of fifty thousand dollars, added to the sum which shall have been certified by them to the Assessors for the payment of interest on said debt.

Funded debt.

6. To supervise the accounts of the Collectors, and compare them with the vouchers and assessment lists, and report all discrepancies to the Comptroller.

Collector's
accounts.

7. To enter in a book to be kept for that purpose, all evidences of indebtedness of the city, and pay the same in the order of entry in said books; but no warrant shall be paid out of any other fund than that upon which it is drawn.

Record of
warrants.

Sec. 10. It shall be the duty of the Collectors for all payments made to them which shall be made in the scrip or other indebtedness of the city, to make out two receipts or certificates therefor, in which shall be set forth a description of the indebtedness so received by him, one of which shall be delivered to the person so paying, and the other filed in the Comptroller's office.

Collectors to
receipt for scrip,
&c., in duplicate.

Sec. 11. All such collections shall be delivered in to the office of the Treasurer every Monday morning.

To pay over to
Treasurer every
Monday.

TITLE II.

LICENSES.

Penalty for trans-
acting business
without license.

Section 1. It shall not be lawful for any person or persons, within the corporate limits of the city of San Francisco, to pursue any calling or transact any business, in this title mentioned, until they have taken out a license therefor, and paid such sum or sums of money as is hereinafter provided, and for every violation of this title, the party so offending shall be subject to a penalty of not more than five hundred dollars, nor less than ten dollars, at the discretion of the Recorder, one fourth of which shall go to the informer: *Provided*, that in no case shall he recover more than ten dollars, and the remainder into the city treasury.

License to be
paid quarterly.
To be exhibited.

Sec. 2. All licenses shall be paid quarterly, in advance, and all persons having taken out a license under this title, shall exhibit the same in some conspicuous part of their place of business, and produce the same when applying to the Collector for its renewal; and in case any person or persons fail to take out a license as provided for in this title, for the current quarter, prior to the twenty-first of January, twenty-first of April, twenty-first of July, or the twenty-first of October, they shall be subject to pay an addition of two per cent. over and above the amounts prescribed herein for such license.

Tax for delay.

Auction, com-
mission and real
estate business.

Sec. 3. Every person or firm engaged in the auction and commission business, or in the sale of real estate at auction, whose monthly receipts or sales amount to fifty thousand dollars, shall pay for a license to engage in the same the sum of one hundred and fifty dollars per quarter.

And where the monthly receipts or sales amount to twenty-five thousand dollars, and less than fifty thousand dollars, shall pay for a license to do the same, the sum of one hundred and twenty-five dollars per quarter.

And where the monthly receipts or sales amount to fifteen thousand dollars, and less than twenty-five thousand dollars, shall pay for a license to do the same, the sum of one hundred dollars per quarter.

And where the monthly receipts or sales amount to ten thousand dollars, and less than fifteen thousand dollars, shall pay for a license to do the same, the sum of seventy-five dollars per quarter.

And where the monthly receipts or sales amount to less than ten thousand dollars, shall pay for a license to do the same, the sum of fifty dollars per quarter.

Sec. 4. Every person, house, or firm, engaged in banking, buy-^{Bankers and money lenders.} ing and selling bills of exchange, paying checks or drafts, (except express agents,) or receiving deposits and loaning money, shall pay for a license to do the same, the sum of two hundred dollars per quarter.

Sec. 5. Every person, house, or firm, engaged in the business^{Jobbers, brokers, forwarders, intelligence offices, gold dust dealers.} of stock jobbing, money brokerage, buying and selling gold dust, doing business as custom house broker, agent in the sale of real estate, lands and houses, or as merchandize brokers, in negotiating sale of goods or wares belonging to others, or engaged in receiving, purchasing, or transmitting merchandize to any other city or place, and conductors of intelligence offices where servants and other help are registered and provided with situations, shall pay for a license to do all or any of the same, the sum of fifty dollars per quarter.

Sec. 6. Every person, house or firm, engaged in the manufac-^{Merchants, manufacturers, &c.} ture, sale, exchange, or disposal of any goods, wares or merchandize, all merchants, storekeepers, metal foundries, druggists, bakers and butchers, shall pay for a license to pursue such calling or business, in proportion to the amount of business so transacted by them, and for that purpose shall be classified as follows :

1. All those engaged in any or all of the foregoing occupations, whose monthly receipts or sales amount to fifty thousand dollars or upwards, shall be ranked in the first class, and, for a license to engage in the same, shall pay the sum of two hundred and fifty dollars per quarter.

2. All those whose monthly receipts or sales amount to thirty thousand dollars, and less than fifty thousand dollars, shall be ranked in the second class, and for a license to engage in the same, shall pay the sum of two hundred dollars per quarter.

3. All those whose monthly receipts or sales amount to twenty thousand dollars, and less than thirty thousand dollars, shall be ranked in the third class, and, for a license to engage in the same,

shall pay the sum of one hundred and fifty dollars per quarter.

4. All those whose monthly receipts or sales amount to fifteen thousand dollars, and less than twenty thousand dollars, shall be ranked in the fourth class, and, for a license to engage in the same, shall pay the sum of one hundred and twenty-five dollars per quarter.

5. All those whose monthly receipts or sales amount to ten thousand dollars, and less than fifteen thousand dollars, shall be ranked in the fifth class, and, for a license to engage in the same, shall pay the sum of one hundred dollars per quarter.

6. All those whose monthly receipts or sales amount to five thousand dollars, and less than ten thousand dollars, shall be ranked in the sixth class, and, for a license to engage in the same, shall pay the sum of seventy-five dollars per quarter.

7. All those whose monthly receipts or sales amount to four thousand dollars, and less than five thousand dollars, shall be ranked in the seventh class, and, for a license to engage in the same, shall pay the sum of fifty dollars per quarter.

8. All those whose monthly receipts or sales shall amount to twenty-five hundred dollars, and less than four thousand dollars, shall be ranked in the eighth class, and, for a license to engage in the same, shall pay the sum of twenty-five dollars per quarter.

9. All those whose monthly receipts or sales amount to one thousand dollars, and less than twenty-five hundred dollars, shall be ranked in the ninth class, and, for a license to engage in the same, shall pay the sum of fifteen dollars per quarter.

10. All those whose monthly receipts or sales amount to any sum less than one thousand dollars, for a license to engage in the same, shall pay eight dollars per quarter.

Any person or firm belonging to either of the above classes, who shall sell produce, or any other other goods or merchandize, from other than a fixed place of business, (except such person be a resident tax-payer of the city of San Francisco, to the quarterly amount of one hundred dollars, for property held in his own name,) shall pay for a license to do the same, double the amount specified in this section, provided, that in no case shall a license be granted for one quarter for a less sum than fifty dollars.

Liquor dealers.

Sec. 7. Every person or firm engaged in the selling of wines, spiritous, or malt liquors, by the bottle, box, case, keg, cask, or barrel, shall pay for a license to do the same, the sum of ten dollars per quarter over and above the amount prescribed for the class

of section sixth, under which he or they take out a license, except in case such liquors are sold in connection with some other business for which a license, amounting to two hundred dollars, is paid.

Every person or firm engaged in selling powder, shall pay for Powder.
a license to do the same, the sum of five dollars per quarter over and above the amount prescribed for the class of section sixth, under which he or they take out a license, except such powder be sold in connection with some other business for which a license, amounting to two hundred dollars, be paid.

Sec. 8. Every person or firm doing business as a pawnbroker, Pawnbrokers.
shall pay for a license to do the same, the sum of two hundred dollars per quarter.

Sec. 9. Every agent, owner, consignee, clerk, or supercargo, Vessels.
of a vessel or vessels, in the harbor of San Francisco, the cargo or freight money of which he may sell or collect, in whole or in part—otherwise than through a commission merchant doing business on shore, except such agent, owner, consignee, clerk, or supercargo be a resident tax-payer to the city of San Francisco to the quarterly amount of one hundred dollars, for property held and owned in his own name—shall pay for a license to do the same, the sum of fifty dollars per quarter.

Sec. 10. Every person, house, or firm, engaged in keeping a Bar-rooms.
public saloon or bar room, where wines, malt, or spiritous liquors are sold by the glass, shall pay for a license to keep the same, the sum of one hundred dollars per quarter when the monthly receipts or sales amount to four thousand dollars or upwards; and where the monthly receipts or sales amount to two thousand dollars, and less than four thousand dollars, shall pay for a license to keep the same, the sum of sixty dollars per quarter; and where the gross receipts or sales amount to less than two thousand dollars per month, shall pay for a license to keep the same, the sum of thirty dollars per quarter. Where boarding or lodging houses are kept in con- Boarding houses
nection with such bars, the parties shall pay for a license the sum of twenty dollars per quarter, in addition to the amount prescribed for the class under which he or they take out their license for a bar. Where balls, dances, or fandangoes, are held in connection Dance houses.
with such bars, the parties shall pay for such license the sum of twenty-five dollars per quarter over and above the amount prescribed for the class under which he or they take out their license.

Eating houses.

Sec. 11. Every person, house, or firm, engaged in keeping a restaurant or eating house, shall pay for a license to keep the same, the sum of fifty dollars per quarter, where the gross monthly receipts or sales amount to four thousand dollars per month and upwards ; and where the gross monthly receipts or sales amount to less than four thousand dollars, shall pay for a license to keep the same, the sum of twenty-five dollars per quarter.

Bar.

And where a bar is kept, liquors and wines are sold in connection with a restaurant or eating house, the sum of twenty-five dollars per quarter additional, shall be paid.

Coffee stands.

Sec. 12. Every person, house, or firm, engaged in keeping a tea and coffee booth, shed, or stand, shall pay for a license to keep the same, the sum of twenty-five dollars per quarter ; and where a bar is kept, or liquors or wines are sold in connection with the same, twenty-five dollars additional shall be paid.

Hotels.

Sec. 13. Every person, house, or firm, engaged in keeping a hotel, shall pay, for a license to keep the same, the sum of seventy-five dollars per quarter, where the gross monthly receipts or sales amount to five thousand dollars and upwards :

And where the gross monthly receipts or sales amount to less than five thousand dollars, shall pay, for a license to keep the same, the sum of fifty dollars per quarter :

And where a bar is kept, or liquors and wines are sold in connection with a hotel, the usual bar license shall be charged as provided in section ten of this Title.

Runners.

Sec. 14. Every person engaged in the business of soliciting passengers for steamboats, passage boats, sailing vessels, or boarders for hotels, restaurants and boarding-houses, or soliciting persons to attend theatres, theatrical shows, circuses, exhibitions, or following any similar business, shall pay, for a license to do the same, the sum of ten dollars per quarter. Every person taking out a license under this section, shall carry such license on his person, and produce the same when required by the Collector or Policeman.

Steamboat
agents.

Sec. 15. Every person or firm, acting as agents for steamboats engaged in the coasting or river trade, shall pay for a license for each of the same, the sum of twenty-five dollars per quarter.

Sec. 16. Every person or firm, acting as agents for sailing ^{Agents of vessels.} vessels engaged in the coasting or river trade, shall pay for a license the sum of twenty-five dollars per quarter.

Sec. 17. Every person, house, or firm, engaged in keeping a ^{Shipping offices.} passenger office or shipping office, shall pay, for a license to keep the same, the sum of twenty-five dollars per quarter.

Sec. 18. Every person or firm, resident and doing business in ^{Expresses.} this city, who shall engage in the express and forwarding business, shall pay, for a license to do the same, the sum of one hundred dollars per quarter.

Sec. 19. Any person or persons engaged in the business of ^{Peddlers.} hawking or peddling, or in the itinerate vending of any goods, wares, or merchandize, shall pay, for a license to do the same, the sum of one hundred dollars per quarter.

This section shall not apply to any person engaged in furnishing ^{Milk, newspapers, fruit, vegetables, &c.} to customers water, milk, newspapers, or fruits and vegetables raised within the corporate limits.

All persons taking out a license, under this section, shall carry ^{To carry license on his person.} such license on his person, and produce the same when so required by the Collector, Inspector of Licenses, or a Policeman.

Sec. 20. Every person or firm, engaged in keeping a livery ^{Livery stables.} stable, or doing business as a livery keeper, shall pay, for a license to do the same, the sum of fifty dollars per quarter.

Sec. 21. The owner of every stage coach, omnibus, hack, car- ^{Public vehicles.} riage, cab, buggy, wagon, dray, cart, car, or other vehicle, let out for hire, or used for conveying passengers, goods, freight, or dirt, for hire, shall pay, quarterly, for a license to use the same, the various sums as follows:

For each omnibus, or stage coach, plying within the city,						
per quarter,	-	-	-	-	-	\$15 00
For each hack, carriage, or cab, with one horse, per						
quarter,	-	-	-	-	-	8 00
For each hack, carriage, or cab, with two horses, per						
quarter,	-	-	-	-	-	10 00
For each wagon, dray, or cart, with one horse, per						
quarter,	-	-	-	-	-	5 00

For each wagon, dray, or cart, with two horses, per	
quarter, - - - - - -	\$8 00
For each dirt car, drawn by horse, or steam, per	
quarter, - - - - - -	10 00
For each hand cart, per quarter, - - -	3 00

Penalty for not
affixing numbers
\$10.

All licensed vehicles shall place the numbers, used by the Tax Collector, upon the outside of the square of the after part of the shaft, on each side, or in some other more conspicuous place; and if any person shall drive, or permit any vehicle (paying for hire), to be driven, without being duly licensed, and having the numbers affixed, as herein directed, he shall forfeit and pay ten dollars for every such offence.

Merchants to
have name on
vehicles.
Penalty \$10.

Merchants, or others, who keep drays, wagons, or hand carts, for delivery of their own goods, (without making any charge for so doing) shall have the name of their house, or firm, conspicuously painted on such vehicle, under the penalty of ten dollars.

Stands for
vehicles.
Penalty \$10.

Sec. 22. It shall be the joint duty of the Street Commissioner and the Marshall, with the approval of the Mayor, to assign stands, in convenient places throughout the city, for drays, carriages, and other public vehicles; and it shall be the duty of each driver, or owner, to keep his vehicle on such stand, (provided he is disengaged,) under a penalty of ten dollars for each offence.

Gaming.

Sec. 23. The proprietor, owner, or keeper of every monte-bank, faro-bank, roulette, or other gaming table, or game of chance, shall pay, for a license to keep or carry on such table, bank, or game, the sum of fifty dollars per quarter.

Billiard and
bowling saloons.

Sec. 24. The proprietor, owner, or occupant of every house in which a billiard table or ten-pin alley is kept, shall pay, for a license to keep the same, the sum of twenty-five dollars per quarter, for each table or alley so used or occupied.

Theatres, &c.

Sec. 25. Every person or company, engaged in theatrical, show, concert, or circus performances, for which admission or entrance money is charged, shall pay, for a license to keep the same, the sum of one hundred dollars per quarter.

Single
exhibitions.

When a license tax is desired for a less period than one quarter, the Tax Collector may issue the same, and the sum of five dollars for each performance, or exhibition, shall be charged. When the

performance, concert, or exhibition, is for a charitable or benevolent purpose, a license shall not be required.

Sec. 26. The proprietor or owner of every type printing establishment shall pay, for a license to conduct or carry on the same, the sum of fifty dollars per quarter. The proprietors of every lithographic, copper or steel plate engraving, and printing establishment, shall pay, for a license to carry on the same, the sum of twenty-five dollars per quarter.

Printing offices, type, copper-plate, &c.

Sec. 27. The owner or owners of every storeship, house, cellar, or other place, in which goods are stored for hire, shall pay, for a license to keep the same, the sum of twenty-five dollars per quarter.

Store-ships and houses.

Sec. 28. The agent or owner of every steam passenger ship or sailing passenger packet, leaving San Francisco for any foreign port, shall pay a license, for each of the same, the sum of fifty dollars per quarter.

Ocean packets.

Sec. 29. Merchants, traders, auctioneers, and others, the amount of whose licenses is regulated by their gross monthly receipts, shall average the same over the three months prior to that in which they apply for a license, and leave an abstract of the same under oath with the Collector.

Rate of license how to be ascertained.

Sec. 30. In case any person changes his residence, or in case he conveys his business to another, the party so purchasing or removing, shall immediately call on the Tax Collector and have the registry changed; and where there is no registry, or a license has not been paid for the then current quarter, he or they shall be responsible for the same. A neglect or refusal to comply with this section shall be punishable by a fine, the amount of such license for the current quarter.

Removals and transfers to be registered.

In case any person shall have obtained a license, through false representation, or otherwise, at an amount under that which he is legally bound to pay, the Tax Collector is hereby empowered to recover the amount of such deficiency; and where a person has failed to take out a license for any previous quarter, to recover the same.

Collector to recover unpaid licenses and deficiencies.

Sec. 31. When the Tax Collector, or a Policeman, shall have

Refusal to exhibit license.

reason to believe that any person or firm are transacting their business without a proper license, he shall call upon the party, and if he or they cannot, or shall refuse to exhibit his license, he or they shall be fined, as provided for in this Title.

Tax collector's
office hours.

Books to be
kept.

Report.

Numbers for
vehicles.

Handbills.

Sec. 32. The Tax Collector's office shall be open daily, from 10, A. M., to 3, P. M.; and it shall be the duty of the Collector to enter in a book, to be kept in his office, the names, place of business, and calling, of all persons to whom licenses have been issued, arranged alphabetically. And it shall be the duty of the Collector to make a report to the Common Council, at the expiration of each quarter, showing the amount received for licenses, and on what account such moneys were collected. To furnish numbers for all vehicles, boats, &c., provided to be numbered by this Title, annually: and in case of loss or alteration, it shall be incumbent on the parties, removing the same, to procure new ones at their own expense. No vehicle or boat shall have, at one time, more than one number thereon. And he is hereby authorized to have printed, in form of handbills, twenty-five hundred copies of this Title.

Inspector of
licenses to make
directory.

His duties.

Sec. 33. It shall be the duty of the Inspector of Licenses to make out a street directory, arranging the houses in numerical order, with the names and business of such occupants as may come within the provisions of this Title, together with the number and amount of each license. It shall also be his duty to visit, at least once in each month, every place of business within the corporate limits, to see that each place is duly licensed, and that no other business than that for which such license is obtained, is carried on, and cite delinquents before the Recorder.

Ditto.

Sec. 34. Public vehicles, boats, lighters, steamboats, sailing vessels and storeships, peddlers and runners, shall come within the immediate scope of the Inspector's duty.

CHAPTER II.

HEALTH AND ALMS.

TITLE I.

THE HEALTH DEPARTMENT.

Section 1. The Department of Health of the city of San Francisco, shall be under the charge of the Board of Health, consisting of the Mayor, City Physician, and Health Inspectors. The Mayor shall be the head of the Department, and the Aldermen of the city shall be ex-officio Health Inspectors in the several wards.

Board of health,
how constituted.

Sec. 2. The said Board shall have the charge and care of the health, purity, and cleanliness of the city ; of the sick, insane and destitute ; and of the buildings, means and measures provided by the city for their relief ; and of the sanitary state, condition, and regulation of all prisons, or places of detention.

Object and
duties.

Sec. 3. The said Board shall have power—

1. To order the removal of nuisances, dangerous to health.

Powers.

2. To declare the existence, abatement and cessation of conta-

Nuisances.

gious or infectious diseases, and to recommend to the citizens, and to use, for the city, proper measures of precaution and remedy.

Infection.

2. To forbid the landing of passengers, or discharge of cargoes, likely to introduce or create sickness or infection ; to examine into such cases without delay, and discharge the quarantine, fix the period of its continuance, or continue it until the further order of the Board.

Quarantine.

Sec. 4. It shall be the duty of each Health Inspector, in his his own ward, to visit and inspect all places where the existence of a nuisance, detrimental to health, is complained of, and make report thereon to the Board. And he shall have power to forbid the landing of passengers or cargoes, supposed infectious or contagious,

Health inspector.

His duties.
His powers.

for twenty-four hours, reporting the same immediately to the Board.

Passenger tax.

Sec. 5. Every passenger arriving in the Port of San Francisco by sea, shall pay a Health Department Tax of one dollar each.

Hospital certificate.

Sec. 6. The parties so paying shall be entitled to a certificate with their names thereon, which certificate shall admit them into the Hospital, as city patients at any time within twelve months from its date.

City Physician.
His office.

To pay over to
Treasurer.

Sec. 7. The City Physician shall hold his office in the Mayor's office, and shall be required to pay over to the City Treasurer, as often as once each month, all the moneys that may have been paid over to him by virtue of his office. It shall also be his duty to attend to the city sick in prisons.

Commutation
of tax.

Sec. 8. The Mayor shall have the power to commute with the owners or agents of vessels, as to what manner said tax may be collected.

City Physician.
His duties.
Treasurer of
Hospital.

Report.

Precautionary
measures, &c.

Deaths.

Medical advice.

To execute
decisions of
the Board.

Penalty for
refusing obedi-
ence to Board of
Health.

Sec. 9. It shall be the duty of the City Physician—

1. To act as Treasurer of the City Hospital, and to issue the certificates provided by section six of this Title.

2. To report to the Board, at least once in each month, upon the sanitary condition of the city.

3. To recommend to the Board proper precautionary or remedial measures.

4. To report the names of all persons deceased, their ages, last previous place of residence, and the disease whereof they died.

5. To attend the meetings of the Board and furnish them with his advice, as medical counsel of the city; and,

6. To carry out and execute the resolves and decisions of the Board.

Sec. 10. Any person refusing obedience, or neglecting to obey any lawful order of the Board of Health, shall, for each offence, be fined or imprisoned, in the discretion of the Recorder.

TITLE II.

INSANE.

Section 1. The Mayor is authorized to send to the Hospital ^{Mayor may send insane to Hospital.} any insane persons who may hereafter come into the charge of the city.

Sec. 2. All expenses incurred by or under the directions of ^{Expenses how paid.} the Mayor, in carrying out any of the provisions of the first section, the same shall be paid by warrant, by the Comptroller, upon the Treasury, out of the Hospital Department Fund, when the bills for the same shall have been certified to as correct by the Mayor.

Sec. 3. The Mayor is authorized to contract for the care and ^{Care of the insane.} charge of the insane, at a monthly salary, not to exceed two hundred dollars, payable out of the Hospital Department Fund.

Sec. 4. It shall be the duty of the City Physician to attend to such insane patients whenever called upon by the keeper. The expense of such medical attendance shall not exceed one hundred dollars per month.

TITLE III.

GENERAL SANITARY REGULATIONS.

Section 1. No butcher, or other person, in this city, shall kill ^{Slaughter houses not to be within certain limits. Penalty.} or slaughter any beeves, sheep, or other animals, the flesh of which is intended to be sold, or offered for sale, under a penalty of not less than fifty dollars, nor more than one hundred and fifty dollars, at the discretion of the Recorder, for each and every offence, within the following limits, viz: That portion of the city lying east of the line of Larkin street and north of the line of Market street.

Sec. 2. No person shall keep in a yard, pen, corral, or other ^{No yards, pens, or corrals, to be within same limits.} enclosure, any beeves, sheep, swine, or other animals, for sale or

Penalty.

to be slaughtered, within the said limits, under a penalty of not less than fifty dollars, nor more than one hundred and fifty dollars, at the discretion of the Recorder.

Sec. 3. No person shall leave exposed, or cast into any street, yard, lot, lane, or other place, within the above limits, the carcass of any horse, or other animal, under a penalty of one hundred dollars for each and every offence.

Sec. 4. No person shall cast, or leave, or keep, in or adjoining any street, lane, alley, square, public place, public road, or in any yard, lot, or premises, within the above limits, any bones, putrid, unsound, unwholesome, or refuse meat, or beef of any animal, whether salted, or otherwise, or any unsound pork, feet, hides, or skins of any kind, or horses, or the whole or part of any dead animals, or any unsound, putrid, or unwholesome substance, or the offals, garbage, or other offensive or useless parts of any beeves, calves, sheep, hogs, or other cattle, under a penalty of one hundred dollars for each and every offence.

Sec. 5. It is hereby made the duty of the City Marshal and City Police to cause to be removed, within thirty days from the passage of this ordinance, all slaughter-houses, yards, pens, corrals, or other enclosures, within the aforesaid limits, within thirty days from the time of the complaint of the inhabitants of any neighborhood where such nuisance may exist, at the cost and expense of the offender.

Selling, &c.,
tainted meats or
vegetables.

Penalty.

Sec. 6. That any person convicted of selling or offering for sale any spoiled or tainted meats, fruits, or vegetables, shall, upon conviction before the Recorder, be fined not less than twenty-five dollars, nor more than fifty dollars.

Keeping animals
bound.

Penalty.

Sec. 7. That the keeping any calf, sheep, or other animal, the flesh of which is to be offered for sale, bound by the legs, in any place in the city of San Francisco, or the keeping any such animal without food for a longer period than twelve hours, is hereby declared to be a nuisance, punishable by fine at the discretion of the Recorder, not to exceed one hundred dollars for each offence.

CHAPTER III.

POLICE.

TITLE I.

THE POLICE DEPARTMENT.

ARTICLE I.

Section 1. The Police Department of the city of San Francisco shall consist of the City Marshal, Captain of Police, Assistant Captain and Policemen. Department of whom composed.

ARTICLE II.

POLICE DISTRICT AND STATION HOUSE.

Section 1. There shall be one Police District in said city. District.

Sec. 2. There shall be one Police Station House, to be located at such place as may be designated by the Common Council. Station House.

Sec. 3. The Station House shall be provided with cells for the safe keeping of prisoners. Cells for prisoners.

Sec. 4. There shall be appointed one Captain and one Assistant Captain of Police for said district and station house. Captain and Assistant Captain.

ARTICLE III.

THE DUTIES OF THE CITY MARSHAL.

Section 1. The City Marshal shall have the general superintendence and control of the police department. City Marshal. His duties. Superintendence of Department.

His office.

Sec. 2. He shall hold his office in a place provided by the Common Council. He shall be in his office at nine o'clock each day, to receive the reports of officers of police, and shall submit their reports to the Recorder; and no person shall be discharged from custody, except by order of the Recorder.

Reports.

Discharge
of prisoners.

Stolen
property, &c.
Inventory.

Sec. 3. He shall take charge of all property delivered by officers of police, whether stolen or otherwise; shall keep an inventory of the same, and retain it in custody until ownership is established before the Recorder.

Suspensions.

To report same,
and complaints
to Mayor.

Sec. 4. He shall have power to suspend any member of the department, giving notice of the same to the Mayor within twenty-four hours. He shall promptly report to the Mayor all complaints made against any member of this department.

Roll.

Sec. 5. He shall keep in his office a book, in which shall be entered the name of each member of the department, the station he occupies, and the time of his appointment; also, the time of dismissal and the cause.

Order book.

Sec. 6. He shall keep in his office a book in which shall be recorded all orders issued by the Mayor; said book shall contain an index.

Record of
criminal com-
plaints.

Sec. 7. He shall also keep in his office a book, in which shall be entered the name at full length, with the alias, of any person against whom criminal complaint shall be made, the name of the officer making the complaint, the witnesses, the nature of the complaint, and what disposition was made of the accused.

Record of
violations of
ordinances.

Sec. 8. He shall keep in his office a book, in which shall be entered the name of every person, whom he shall notify the City Attorney to prosecute for a violation of the city ordinances, the nature of the complaint, and residence of the complainant, in each case.

Record
of reports.

Sec. 9. He shall keep in his office a book, in which shall be kept the substance of all official reports.

ARTICLE IV.

OF THE DUTIES OF POLICE CAPTAIN.

Police Captain.

Section 1. The Captain of the Police shall have charge of the members of the Police Department. He shall also have charge of the station house, and shall be held responsible for the cleanliness and good order of the same.

Charge
of policemen
and of Station
House.

Sec. 2. He shall report to the Marshal all disobedience of orders and misconduct, by the subordinates of his department, and shall have power to suspend any of them for a term not exceeding twenty-four hours.

To report
misconduct.
Suspension.

Sec. 3. He shall divide the district into as many beats or stations as may be necessary, appointing to each member of this department such portion of day and night duty as may be equitable and expedient, and a weekly detail of duty for each policeman shall be made and placed in a conspicuous place in the station house.

Beats.
Detail of duties.

Sec. 4. He shall receive into his custody and safely keep every person apprehended for any criminal offence. He may also receive at his discretion, suspicious, insane, or forlorn persons, found strolling about the city during the night.

Custody of
offenders.
Suspicious,
insane and
forlorn persons.

Sec. 5. He shall, on the morning of each day, by nine o'clock, deliver at the Marshal's office, all persons, together with all property, whether stolen or otherwise, in his charge; and shall, at the same time, present to the Marshal a report containing the names of the persons accused, with their aliases, the nature of the charge, the names of the complainants and witnesses, with their residences, and a list of the property delivered, with its history so far as known.

Daily delivery
of prisoners, &c.
to Marshal.

Sec. 6. He shall keep a book, in which shall be kept an exact copy of his reports made to the City Marshal.

Book of reports.

Duty at fires.

Sec. 7. At any alarm of fire it shall be the duty of the Captain to proceed forthwith to the same, with the whole number of policemen off duty, for the purpose of preserving order and protecting property.

Duty in case of riots.

Sec. 8. In case of any riot, or any sudden emergency, requiring the services of the Police, on notice being given to the Captain, he shall transmit immediate notice to the City Marshal and to the Mayor, and shall forthwith proceed to the scene of the riot with the whole Police force off duty, and be vigilant in suppressing the same.

Roll and time book.

Sec. 9. He shall enter in a book, to be kept at the station house, the name of each member of his department, the time of his appointment, the time of his resignation or removal, and the number of days and nights he has been on duty. At the end of every month he shall make out a monthly list of duty of each man, and shall present the same to the City Marshal.

To record information of crimes and criminals.

Sec. 10. He shall enter in a book, to be kept at the station house, all information he may receive respecting offences committed, and of suspicious persons or places; also, of property stolen, enumerating the articles, the name and residence of the owners of the property, the estimated value of the property stolen, and the name of the policeman on the station at the time the offence was committed.

Record of violation of fire laws, &c.

Sec. 11. The Captain shall keep in the station house a book, in which shall be kept the name of every person complained of for a violation of any city ordinance or laws, for the prevention of fires, the nature of the complaint, and the name and residence of the complainant in each case. He shall transmit duplicates of such entries every morning, to the City Marshal, by nine o'clock.

Report thereof.

Who may inspect the books of his office.

Sec. 12. The Mayor, Recorder, or City Marshal, or either of them, are authorized to inspect at all times any or all of the books directed to be kept by the Captain of Police; but no person, not herein named, shall be permitted to examine any of said books without permission from the Mayor, Recorder, or City Marshal, in writing, except that policemen, under the direction of one of their officers, be allowed to examine the book mentioned in section tenth of this article.

ARTICLE V.

DUTIES OF ASSISTANT CAPTAIN OF POLICE.

Assistant
Captain.

Section 1. In case of the absence of the Captain from the station house, the duties required of him shall be performed by the Assistant Captain, who shall, at such time, have the rights and powers of Captain.

Duty in absence
of Captain.

Sec. 2. It shall be the duty of the Captain or Assistant Captain, to see that each Policeman discharges faithfully, both by night and day, the duties assigned to him.

In other cases.

ARTICLE VI.

DUTIES OF POLICEMEN.

Section 1. It shall be the duty of each Policeman to obey the orders he may receive from the officers of the department, not conflicting with the laws, and faithfully perform the duties assigned to him, both by night and day.

Policemen
to obey orders.

Sec. 2. No Policeman, while on duty, shall visit drinking houses, houses of ill fame, balls, theatres, circuses, or other place of amusement, except in discharge of his duty as Policeman. He shall visit every part of his respective beat; shall watch for fires, make arrests for crimes, and shall take notice of all suspicious persons and places. He shall take all persons arrested, together with all stolen property, to the station house, to be disposed of by the proper officers. He shall, also, have in his possession the city ordinances relating to his department, and shall make himself familiar with all the ordinances by which his duties may be affected.

Not to visit
public places.To visit all parts
of his beat.

Arrests.

To keep certain
ordinances.

ARTICLE VII.

Miscellaneous.

MISCELLANEOUS PROVISIONS.

No pay when
absent.
Travelling and
other expenses.

Section 1. No pay shall be allowed for the time of absence from duty. Police officers sent out of the city upon public business, shall be allowed the necessary expenses on the same, being sworn to and approved by the Mayor and City Marshal.

Official bond.

Sec. 2. The Captain and Assistant Captain shall give bonds for the faithful performance of all duties enjoined on them by this ordinance, in the sum of one thousand dollars each, to be approved by the Mayor and Common Council.

Salaries,
when paid.

Sec. 3. The salaries shall be paid by the Comptroller, by warrants, monthly.

No compensa-
tion to be
received.

Sec. 4. Any member who shall charge or receive any fee or compensation, other than his legal salary, or shall receive any present or reward for services rendered, unless with the knowledge and approbation of the Mayor, Recorder, or City Marshal, shall be guilty of a violation of the city ordinances, and shall be subject to expulsion from the department.

Penalty.

Not to follow
other calling.

Sec. 5. No member of the department shall follow any other calling during his term of office. Sickness or disability only shall be an excuse for absence from duty.

Sickness or
disability.

Not to go bail.

Sec. 6. No person connected with the Police Department shall become bail for any person charged with any offence whatever.

To display
badge.

Sec. 7. The Captain, Assistant Captain and Policemen, shall, at all times when on duty, display their emblems of office, so that the same may be distinctly seen—such emblem to be designated by the City Marshal; and any person not authorized, who shall assume the badge of office of Policemen, shall be subject to a fine by the Recorder, of not less than fifty nor more five hundred dollars for each offence.

Penalty for
wearing badge
without au-
thority.

Two extra
policemen.

Sec. 8. Two additional policemen, to act as substitutes for

those who may be absent shall be allowed, to be governed by the same regulations as other policemen, and to draw pay only for the time they may be on duty.

Sec. 9. The Captain, Assistant Captain and Policemen, shall Oath of office. subscribe and take, before the Mayor, the constitutional oath of office, which shall be filed in the office of the Clerk of the Common Council.

Sec. 10. It shall be the duty of the City Marshal to cause to Copies of this Title to be furnished to policemen, with instructions. be published, in a neat and cheap form, this Title, together with all other regulations relating to the department; also, instructions relating to the duties of police officers, a copy of which shall be furnished each member of the department.

ARTICLE VIII.

VOLUNTEER POLICE.

Volunteer police.

Section 1. The City Marshal is hereby authorized to ap- Marshal may appoint fifty men. point a Special Volunteer Police, not to exceed fifty men, subject to his orders, and to receive no salary.

Sec. 2. The Mayor is authorized to administer the oath of Mayor may authorize private police parties. office as policemen to any parties organizing in the several wards of this city, he being first satisfied of the respectability and honesty of purpose of all such organization: *Provided*, all such policemen shall be subject to the rules and regulations of the Police department, and as may be further prescribed by the Mayor and Marshal, to be vested with all the rights and powers of policemen, Their rights and duties. and under the direction and supervision of the City Marshal, and receive, as such policemen, for their services, the same fees for each arrest and conviction, before the Recorder, as is allowed by law to the office of constable.

TITLE II.

Police
regulations.

GENERAL POLICE REGULATIONS.

Bar-rooms, &c.,
to be closed at
midnight.

Section 1. All bar-rooms and gaming tables, in this city, shall be closed at twelve o'clock, midnight, under a penalty of fifty dollars, and not more than one hundred dollars, for the first offence; and for each subsequent offence, under a penalty of one hundred dollars, and not more than five hundred dollars. Said fines to be imposed and collected in accordance with the ordinances heretofore enacted.

Nuisances.
Saw-dust, soot,
ashes, &c., to be
removed at the
expense of
occupant.

Sec. 2. All dirt, saw-dust, soot, ashes, cinders, shavings, manure, waste water, or any animal or vegetable substance, rubbish, or filth of any kind, in any house, cellar, yard, or other place, which the Mayor or City Marshal shall deem it necessary, for the health of the city, to be removed, shall be carried away therefrom, by and at the expense of the owner or occupant of such house, or other place, where the same shall be found, and be removed to such place as he shall be directed, within twenty-four hours after notice, in writing, to that effect, given by the Mayor or City Marshal.

Penalty for
neglect.

Sec. 3. The owner or occupant of any house or place whereon the articles, mentioned in the second section of this Title, shall be found, and who shall have received the notice required in that section for the removal of the same, and shall fail, refuse, or neglect to remove the same within the time prescribed by the notice, shall be brought before the Recorder and fined not less than twenty dollars, nor more than one hundred dollars.

Depositing
rubbish in the
streets, &c.,
forbidden.

Sec. 4. No person or persons, unless by leave of the Mayor and Common Council, shall throw or deposit, or cause to be thrown or deposited, in any street, court, square, lane, alley, or vacant lot, or into any pond, any dirt, ashes, soot, cinders, shavings, manure, waste water, or any animal or vegetable substance, rubbish, or filth of any kind. Any person or persons, on conviction before the Recorder of violating the provisions of this section, shall be fined a sum not less than five dollars, nor more than fifty dollars.

Penalty.

Sec. 5. No person shall be guilty of any riotous, disorderly or ^{Riots.} violent conduct in any street, house, or place, whereby the peace or quiet of the city may be disturbed, under the penalty of fine and ^{Penalty.} imprisonment, at the discretion of the Recorder.

Sec. 6. No person or persons shall be allowed to race, ride, or ^{Racing in streets.} drive at such speed on any of the public ways within the limits of this city, as to endanger or hazard the life or limbs of any person, under penalty of not less than twenty, nor more than fifty dollars, at the discretion of the Recorder.

Sec. 7. No person or persons shall be allowed to play at any ^{Gaming on sabbath.} game of chance or hazard on the Sabbath, under the penalty of not less than fifty, nor more than five hundred dollars, at the dis- ^{Penalty.} cretion of the Recorder.

Sec. 8. It shall not be lawful for any person or persons to ^{Bull-fights forbidden within certain limits.} exhibit bull fights, to hold bull baits, or to exhibit or fight any other animals within the following limits, viz: To the east of the line of Larkin and Johnson streets running to the water-line of the city.

Sec. 9. It shall not be lawful for any person or persons to pass ^{Processions with music, forbidden on Sundays, within same limits.} through the streets on Sunday, within the limits described in section eighth, accompanied by music, or the sound of music, or with any bear, or other animal, or any placard, or other sign, for the purpose of calling attention to any show or performance.

Sec. 10. Any person violating the eighth or ninth sections of ^{Penalty.} this Title, shall be subject to a penalty of not less than ten, nor more than five hundred dollars, at the discretion of the Recorder.

Sec. 11. Any person or persons concerned in firing cannon ^{Firing cannon. Penalty.} within the fire limits of the city, shall be subject to a penalty of not less than fifty, nor more than five hundred dollars, at the discretion of the Recorder.

Sec. 12. It shall be unlawful for dance houses to be kept open ^{Dance houses not to be open on Sunday. Penalty.} on Sundays for the purpose of dancing; and any person or persons violating this section, shall be subject to a fine of not less than twenty-five, nor more than one hundred dollars, at the discretion of the Recorder.

Gambling in
the streets.
Penalty.

Sec. 13. No person shall exhibit any game of chance or skill, whereby money or other valuable things are lost or won, in any street, alley, or upon any wharf of this city, under a penalty of fine and imprisonment, at the discretion of the Recorder.

Discharging
fire arms.
Penalty.

Sec. 14. No person shall discharge any fire-arms in this city east of Larkin and Johnson streets, under the penalty of fine and imprisonment, at the discretion of the Recorder.

CHAPTER IV.

STREETS AND WHARVES.

TITLE I.

STREET DEPARTMENT.

Section 1. The Street Department shall embrace in its authority the opening, constructing, regulating, improving and repairing of all public streets, yards, lanes, alleys, sewers, lands, places, wharves, docks, piers and basins, and the care, supervision and control thereof.

Authority of
this department.

Sec. 2. The chief officer of this department shall be the Street Commissioner.

Its chief officer
the Street Com-
missioner.

Sec. 3. All contracts of any kind relating to this department, and the accounts, vouchers and certificates relating thereto, shall be kept and filed in the Street Commissioner's office.

Street contracts,
vouchers, &c.,
to be kept in
his office.

Sec. 4. The Street Commissioner shall ascertain and report to the Common Council, from time to time, what improvements or repairs are necessary to any of the streets, and the best mode of making such improvements or repairs, and the probable cost thereof.

To report repairs
necessary.

Sec. 5. He shall, on the first day of each quarterly period of the fiscal year, render to the Comptroller a full statement, under oath, of the receipts and expenditures of the street department.

Quarterly
report.

Sec. 6. He shall report to the Common Council all assessments made against the city, or awards for any proposed work, with the amount assessed in each case, and the circumstances connected therewith.

Report of assess-
ments against
the city.

Assessment map. Sec. 7. He shall keep in his office a map of the city of San Francisco, showing the streets and intervening blocks or squares, each of which latter shall be designated by a number distinctly written upon it, and which map shall be known as "The Assessment Map."

Record of assessment. Sec. 8. He shall keep in his office a book, to be called the "Record of Assessments," in which shall be transcribed, or entered at length, the assessments made for any work in his department, distinctly referring to the said "Assessment Map," by the numbers of the said blocks or squares, which book shall be accompanied by a copious index. Whenever any of such assessments are paid or satisfied or the property is sold therefor, a proper entry shall be made thereof, with the date opposite to the entry of the assessment.

Entry of sale or satisfaction.

Record of sales. Sec. 9. He shall keep in his office a book, to be called "The Record of Sales," and shall enter therein, in a clear and distinct manner, all lots sold for assessments, describing fully the situation of them, the names of the parties assessed, the cause of the assessment, the amount of it, the time of confirmation, the term of sale, and, if redeemed, the time of redemption.

Accounts. Sec. 10. He shall keep correct accounts in relation to all contracts relating to work done under the supervision of the department, and of all moneys paid and received thereon. He shall examine all claims against the corporation on any account appertaining to the street department. and, if found correct, shall certify the same to the Comptroller.

Auditing claims.

Notice of assessment. Sec. 11. On completing an assessment, the Assessors shall publish in one of the city papers, for ten days, a notice thereof, and that the assessment list will remain in the Street Commissioner's office thirty days, for examination by all parties interested therein. Such notice shall also contain a general description of the limits within which property is affected by the assessment.

Salaries and expenses to be included in the assessment. Sec. 12. The Assessors shall include in every assessment, an amount as nearly equal as possible to a just proportion of their salaries and expenses, and of the expenses of surveys and engineering.

Sec. 13. The Collector of Assessments is charged with the duty of collecting all assessments laid in the street department. Collector of assessments, duties
 Before entering upon the duties of his office, he shall execute a bond to the city, with at least two sufficient sureties, to be approved by the Mayor, in the penal sum of twenty-five thousand dollars, for the faithful performance of the duties of his office. Bond.

Sec. 14. The Collector of Assessments shall enter in a book, Accounts.
 to be kept by him for that purpose, all moneys received by him, stating upon what assessment and when received.

Sec. 15. Whenever the County Surveyor shall be employed by the Street Commissioner to make a survey, he shall receive at the rate of sixteen dollars per day; and when additional assistance is employed, with the concurrence of the Street Commissioner, he shall receive the reasonable hire of such assistants. A profile of the survey so taken shall be delivered to the Street Commissioner, without any extra compensation. Compensation to Surveyor.
To his Assistants
Profile to be delivered.

Sec. 16. The accounts of the Surveyor shall be audited, only upon proof by oath, in writing, of their correctness, filed with the Street Commissioner. Eight hours shall be computed as a day's work, within the meaning of this Title. Surveyor's accounts how audited.
Day's work, eight hours.

Sec. 17. The Street Commissioner shall be, ex officio, Superintendent of Wharves, and as such is charged with the duty of the inspection, care and supervision, of the city wharves, piers, docks, slips, basins and landings. Street Commissioner, ex officio, Superintendent of Wharves.

Sec. 18. The Street Commissioner shall have power to employ drivers for any teams belonging to the corporation, and to provide provender for the animals on such terms as, in his judgment, may be for the best interest of the city: provided always, that the Mayor shall first approve and sign the contract. Commissioner may employ drivers for carts.

TITLE II.

ENCROACHMENTS AND OBSTRUCTIONS.

Encroachments and obstructions.

Section 1. No person or persons shall erect, or cause to be erected, any fence, tent, or building, adjoining any street or public Line of street to be ascertained before building.

ground, without having first ascertained the bounds of the same, by application to the Street Commissioner.

Encroachments
forbidden.

Sec. 2. No person or persons shall erect, or cause to be erected, upon any lot, a tent, fence, wall, or building, and encroach on the limits of the streets or public grounds by means of said tent, wall, fence, or building.

Street Commis-
sioner to
notify to remove.

Sec. 3. It shall be the duty of the Street Commissioner, if he discover that any person has violated the provisions of the second section of this Title, to notify him in writing to that effect, and if said individual neglects, for the space of five days, to remove said tent, fence, wall, or building, then it shall be the duty of the Street Commissioner to inform the Marshal of the city of that fact, who shall arrest such person and carry him before the Recorder.

Offender refus-
ing, Marshal to
arrest, &c.

Obstructions
forbidden.
Penalty.

Sec. 4. No person shall cause any obstruction or nuisance in the streets, lanes, alleys, or sidewalks of the city, under the penalty of being fined, at the discretion of the Recorder, in a sum not greater than twenty-five dollars for each offense.

Commissioner to
notify offender to
remove.

Sec. 5. It shall be the duty of the Street Commissioner, whenever he finds any obstruction or nuisance in the streets, lanes, alleys or sidewalks of the city, to notify the offender, and if, in a reasonable time after such notice, the same be not removed, such offender shall be fined in a sum not exceeding one hundred dollars, at the discretion of the Recorder. Should the Commissioner be unable to ascertain the offender, it shall be his duty to remove such obstruction or nuisance, and collect the expense thereof from the offender as soon as he can be ascertained; and where the obstruction so removed is of sufficient value, it may be sold at public auction after two days' public advertisement, and the proceeds, or so much thereof as may be required for the purpose, shall be appropriated to pay the expenses of removal. Nevertheless, it shall be lawful for any person to occupy such portion of any street for building, or other necessary purposes, as may be designated in a permit, to be obtained from the Mayor of the city, in which permit the Mayor may, in his discretion, require the premises so occupied to be lighted at night by the occupant.

Penalty for
refusal.

Commissioner
may remove and
sell obstruction.

Mayor may give
permit for de-
posit of build-
ing materials.

Penalty.

Sec. 6. It shall be the duty of the Recorder, upon conviction

of any person or persons having violated the provisions of this Title, to impose upon him or them a fine not less than five dollars, nor more than fifty dollars for the first offence.

Sec. 7. The continuance in the streets or public grounds of the tent, fence, wall, building, encroachment, obstruction, or nuisance, for each and every day after the first conviction, shall be deemed a separate and distinct offence, and shall be punished by fine or imprisonment, or both, at the discretion of the Recorder.

Each day's continuance a separate offence.

TITLE III.

GRADING, IMPROVEMENTS, AND REPAIRS.

Section 1. When the owners of two-thirds of the real estate situate or adjacent to any public street, of the width or depth of a block or more, shall express their willingness to the Common Council, by petition in writing, to have the same graded and improved, they shall have the privilege and be authorized to do so under the direction of the Street Commissioner, at their own charge and expense; and if any portion of such street, within the limits mentioned in such petition, shall not be graded and improved by the owner or owners of the adjacent property, it shall be done by the Street Commissioner, at the expense of such delinquent owner or owners.

Two-thirds of owners petitioning, street may be graded by themselves.

Any portion not graded may be graded by Street Commissioner at expense of delinquent.

Sec. 2. When two-thirds of such owners shall have petitioned the Common Council, as above mentioned, the Mayor, Street Commissioner, and City Assessors shall make assessments for the proposed improvements on the property adjacent to the street, or so much thereof as may be described in such petition, which assessment shall be proportionate to the advantages respectively to be derived from such proposed improvements by the respective owners; and in case any such owner or owners shall fail to complete such proposed improvements, such assessments shall be a lien and charge upon such adjacent property of such owner or owners.

Assessment of the work to be made.

To be a lien upon the property.

Sec. 3. After such assessments shall have been made and declared, unless within ten days an appeal be taken therefrom, and in that case after the Board of Aldermen shall have decided upon such assessment and appeal, the Street Commissioner shall im-

Appeal from assessment.

Street Commissioner to advertise for contracts.

mediately advertise the same to be contracted for at public auction, to such person or persons as will bid to perform such grading or improvement, under direction and supervision of the Street Commissioner, at the lowest price per square foot, and according to specification—advertisements having been given to that effect daily for six days, in two city papers, which shall contain a specification of the work, manner, materials, and the streets in which the same is to be done.

**Streets once
planked must be
repaired by ad-
jacent owners.**

Sec. 4. The owner or owners of any lots or real property bordering on any public street or streets within the city limits, that have heretofore been graded and planked by authority of ordinance, shall, under the direction and supervision of the Street Commissioner, grade and repair, or rebuild, such streets, and the planking, or sidewalks, thereon, where the same have been injured or destroyed by fire, at the charge and expense of such owner or owners, within thirty days after the passage of this ordinance, notice thereof being given by publication in some daily paper.

**Owners neglect-
ing, Commis-
sioner may have
the work done
at their expense.**

Sec. 5. If any owner or owners of such property neglect or refuse to grade and repair, or rebuild, any portion of such streets, planking, or sidewalks, within the time limited by this Title, then it shall be the duty of the Street Commissioner to have such portions repaired or rebuilt at the expense of such delinquent owner or owners, in the manner provided in the following section.

**To be contracted
for at public
auction, street by
street, after
advertisement.**

Sec. 6. Any such parts of such streets or sidewalks that shall not be graded, repaired, or rebuilt, at the expiration of the thirty days, above mentioned, shall be contracted for, one street at a time, at public auction, to such person or persons as will bid to repair or rebuild the same, under direction and supervision of the Street Commissioner, at the lowest price per square foot, and according to specification, advertisements having first been given to that effect, daily, for ten days, in two city papers, which shall contain a specification of the work, the manner, material, and the street on which the same is to be done. The cost and expense of which shall be equally divided between, and paid by, the delinquent owner, or owners, of lots of real property bordering on such parts of each street so contracted for, and repaired or rebuilt.

**Street Commis-
sioner to give
notice, pursuant
to Sec. 4.**

Sec. 7. It shall be the duty of the Street Commissioner to give a notice to all such owner or owners, mentioned in section

fourth, or their agents, if they can be found in the city, substantially to the effect of section fourth and sixth.

Sec. 8. Any person or persons, laying sidewalks in any street, on the land, or over the water, shall do so under the direction of the Street Commissioner, who shall see that they are constructed or laid in a uniform, safe, and substantial manner, also of the proper width and grade of the street. Sidewalks—how to be laid.

Sec. 9. That one-third of the width of all streets be reserved for sidewalks, so that each sidewalk shall be of the width of one-sixth of the street. Their width.

Sec. 10. It shall be the duty of the owners of property, to cause to be laid at their own cost and expense, along the line of any street, now planked, a strong, substantial sidewalk. If made of lumber, it shall not be less than one and one-half inches in thickness, and upon sleepers or scantling, not less than three by four inches, and not more than three feet apart. On planked streets.

Sec. 11. No person or persons shall hereafter be permitted to erect any awning post, in front of their store or dwelling, but shall support their awnings upon hackets or braces, safely secured, under direction of the Street Commissioner, and all awning posts now erected within the following boundaries, Dupont, California and Pacific streets, to the bay, shall be removed whenever one-third of the owners or occupants of any block, shall sign a petition to the Street Commissioner, for said purpose. Awning posts forbidden.

Sec. 12. For any violation of the above ordinances, the parties offending shall pay a fine of not less than ten dollars, nor more than forty dollars, at the discretion of the Recorder. Penalty.

Sec. 13. When the owners or holders of lots along the line of any street, shall plank or grade the entire length or breadth of any block of such street, it shall be the duty of the Street Commissioner, under the direction of the committee on streets, public buildings and improvements, of both Boards of Aldermen, to improve the square formed by the crossing of the streets, at the cost and expense of the city. Where streets are planked, city will plank the crossings.

TITLE IV.

WHARVES.

Tolls on city
wharves regu-
lated.

Section 1. That the wharfingers be and are hereby authorized to collect and receive on all the wharves, on which the Common Council are authorized to fix the rate of tolls, from such vehicles and barrows as shall be loaded or unloaded on said wharves, (and not from any vehicle or barrow that may have occasion to pass over said wharves on their way to and from their places of trading, or unloading on other wharves or street, or from vehicles or barrows loaded with goods owned by persons doing business upon said wharves,) the following rates of wharfage, viz :

Table of tolls for vehicles.					PER LOAD.
	From hand cart or barrows,	-	-	-	10 cts.
	" carts or drays drawn by one animal,	-	-	-	25 "
	" " " " two horses or mules,				30 "
	" " " " two oxen,	-	-	-	40 "
	" " " " four oxen,	-	-	-	80 "
	" wagon " one animal,	-	-	-	30 "
	" " " two horses or mules,				40 "
	" " " four " " -				80 "
	" " " two oxen,	-	-	-	50 "
	" " " four " -	-	-	-	100 "

Lighters to
discharge free
of charge at
wharves.

Sec. 2. All small boats, scows and other craft, serving as lighters to vessels at anchor, in the harbor, shall be allowed to receive and discharge cargo at either of the wharves named in section first, free of charge.

Discharging
at any street, to
pay twenty-five
cents per load.

Sec. 3. All scow boats, flat boats, or other craft, that shall serve as lighters, when loading or discharging cargo, at the foot of any of the public streets, (or on any public street that shall be used as a landing place, or on any private wharf erected on property belonging to the city,) shall pay wharfage at the rate of twenty-five cents per load.

Sec. 4. Vessels laying along side of any of the public wharves,

and at the same time on property belonging to the city, shall pay wharfage at the following rates, viz :

					STEAMERS.	SAIL.	Table of wharfage.
Vessels of 500 tons and over,				per day,	\$30	\$20	
" 350 "	"	"	less than 500,	" "	25	15	
" 200 "	"	"	" 350,	" "	20	10	
" 100 "	"	"	" 200,	" "	15	5	
" 75 "	"	"	" 100,	" "	10	5	
" 25 "	"	"	" 75,	" "	5	2½	
" all under 25 tons,				" "		1	

Sec. 5. The wharfingers are authorized to enforce the following regulations, viz :

Regulations of wharves authorized to be enforced.

1. Wharfage must be paid invariably in advance.
2. Vessels must move or change their position by order of the wharfinger.
3. No goods can remain on the wharves beyond a reasonable time.
4. No merchandize can be landed contrary to the order of the wharfinger.
5. No hay, lumber, bricks, coal, or fire wood, can be landed without permission.
6. All goods left on the wharves after sunset shall be at the risk and expense of the owners.
7. Vessels must accommodate each other as much as possible, and be subject to the regulations of the wharfinger.
8. No fire will be permitted on the wharf, nor will any tar, or pitch, be allowed to be heated on board any vessel, without special permission.
9. Horses will not be allowed to be driven over the wharves at a faster gait than a walk.

Sec. 6. All persons resisting the legal authority of the wharfinger, or his deputies, shall be, on complaint and conviction, fined in a sum not exceeding one hundred dollars, nor less than ten dollars, on each and every complaint and conviction, at the discretion of the Recorder.

Penalty for resisting wharfingers.

Sec. 7. Any person or persons found collecting toll or wharfage, unless they or he be the city wharfinger, or his deputies, shall

Collecting toll without authority.

Penalty. be considered guilty of a misdemeanor, and subject to fine or imprisonment, or both, at the discretion of the Recorder.

Public slips.
Between Clay,
Sacramento and
Davis streets.

Sec. 8. All the space of land and water, lying between Clay street and Sacramento street, and between Davis street and the deep waters of the bay, as laid down upon the public maps or plans of the city, is set apart and dedicated to the public use, as a free public dock, for ships and other vessels: *Provided*, notwithstanding, that nothing herein contained, shall prevent the Common Council from amending, altering, or annulling this grant.

Between Front,
Vallejo and
Pacific streets.

Sec. 9. All of the space outside of Front street, between Pacific and Vallejo streets, shall be kept open as a public slip, so long as the Common Council deem it advisable for that purpose.

TITLE V.

SEWERS.

No sewer to be
made to common
sewer, without
written permit.

Section 1. No person shall make, or cause to be constructed, any drain or sewer, from cellar, yard, or other place, leading into any of the common sewers, hereafter to be constructed, in the city of San Francisco, without the written permission of the Street Commissioner.

In filling up
streets, sewers
to be built.

Sec. 2. That in every street terminating in the bay, hereafter filled in, there shall be constructed a good substantial sewer, at the expense of the owners of property along the line so filled in, (except where such sewers cross a street, which portion shall be built by the city,) under the direction of the Street Commissioner, of such dimensions and of such material as may be directed by the committee on streets, public buildings and improvements, from both Boards of Aldermen.

CHAPTER V.

FIRES.

TITLE I.

FIRE DEPARTMENT.

Section 1. All fire engines, hose, hook and ladder, and other fire companies, having organized and adopted a constitution, and having petitioned the Common Council for that purpose, shall be furnished with engines, or other fire apparatus, and houses for receiving the same, by the city, if deemed proper and necessary by the Mayor and Common Council.

Sec. 2. It shall require at least twenty-five persons, not under twenty-one years of age, to compose a company, all of which must have signed the constitution previous to their petition; and they shall forward with said petition a copy of their constitution, together with the names of their officers and men, and the situation in which they wish to locate.

Sec. 3. There shall be an election annually on the first Monday of December, for one Chief Engineer, and first, second and third Assistant Engineers; said election to be called by the Mayor, by giving a timely notice in all the daily newspapers, and held at such place as he may designate, the polls to be kept open from ten o'clock, A. M., until sunset, under the inspection of three judges, each from a different company, to be appointed by the Board of Delegates. No persons shall be entitled to vote at said election, except such as are then, and for thirty days prior thereto have been, members of the fire department.

Sec. 4. Each and every company shall assemble on the even- ing of the fourth Monday in October, in every year, at their re-

Board of
delegates.

May make
by-laws.

To report
breaches to
Common
Council.
Chief and As-
sistant Engineers
ex officio mem-
bers.

Chief Engineer,
how chosen.

Assistants,
how chosen.

Returns to be
made to board of
delegates, who
shall certify
result to Mayor.

Contested
elections.

Absence of
Chief Engineer.

In case of va-
cancy of Chief
Engineer.

Ditto, Assistant
Engineer.

Chief Engineer
to command.

speetive houses, at eight o'clock, and shall then elect two of their members, who shall be styled Delegates of the Fire Department, which association shall consist of two members from each fire company, who shall assemble, within ten days after their election, to organize in such manner as they may deem proper, and shall make laws for the government of the fire department; and all laws made by them shall be considered binding on every company in the department, and for a violation of said laws the Board of Delegates shall report said company to the Common Council for their action. The Chief Engineer and Assistant Engineers shall be *ex-officio* members of the association.

Sec. 5. The person having the highest number of votes for Chief Engineer shall be declared elected. For Assistant Engineers the three persons having the highest number of votes shall be declared elected, and shall rank as follows: The person having the highest number of votes shall be first Assistant; the person having the next highest number of votes shall be the second Assistant; and the person having the next highest number of votes shall be the third Assistant Engineer.

Sec. 6. The returns of the election for Chief Engineer and the Assistant Engineers shall be made to the Board of Delegates, who shall examine the same, declare the result, and certify the same to the Mayor, who shall give the persons elected their certificates of office. The Board of Delegates shall also have power to determine contested elections.

Sec. 7. Whenever the Chief Engineer shall be absent from the city, or be prevented from attending to the duties of his office, the first Assistant shall perform the duties, receive the compensation, and possess all the rights and powers of Chief Engineer, during such absence or disability.

Sec. 8. Whenever any vacancy occurs in the office of Chief Engineer, the Mayor shall call an election to fill such vacancy, in the same manner as hereinbefore provided; but when a vacancy occurs in the office of first or second Assistant Engineers, the officer next in rank shall take the vacant office, and an election shall be ordered, as above, to fill the vacancy in the lower office.

Sec. 9. The Chief Engineer shall, in all cases of fire, have

the sole and absolute command over all the Engineers and other persons connected with the fire department. It shall be the duty of the Chief Engineer to direct the other Engineers, to take proper measures to arrange the several fire engines in the most advantageous manner, and to cause them to be duly worked for the effectual extinguishment of fires. It shall also be the duty of the said Chief Engineer to examine, at least twice in each year, (and as much oftener as he may deem proper,) into the condition and number of the fire engines, and other fire apparatus, and fire engine houses, and to report the same to the Common Council twice in each year, together with the names of all the members of the fire department, and the respective associations to which they belong; also, under the direction of the joint committee on fire and water and the clerk of the Common Council, to erase from the Book of Registry of firemen all names which are not on the annual returns from the several companies. It shall also be the duty of the Chief Engineer to report to the Common Council all alarms of fire that may take place in the city, with the causes thereof, as well as they can be ascertained, and the number of and description of the buildings destroyed or injured, together with the names of the owners or occupants, and also the estimated loss, and it shall also be his duty, whenever any of the fire-engines, hose carts, trucks, and hooks and ladders, or other fire apparatus, shall require to be repaired, to report the same forthwith to the joint committee on fire and water, and, under their direction, to superintend the repairs thereof: *Provided*, the expense does not exceed, in any one case, one hundred dollars, except immediately after a fire, when the amount so expended shall not exceed five hundred dollars, and to be at all times under the direction of the said joint committee.

Chief Engineer's
duties.
To direct
Assistants.

To examine
apparatus.

To report to
Common
Council.
Roll of members.

To erase certain
names.

To report alarms
of fire, the cause,
damage and loss.

Necessary
repairs.

Sec. 10. The Chief Engineer shall, before entering upon the discharge of his duties, take and subscribe an oath or affirmation before the Mayor, well and faithfully to perform such duties.

Official oath.

Sec. 11. It shall be the duty of the Clerk of the Common Council to keep a book containing the names of all the members of the fire department, under the head of the name of the company to which they may respectively belong, which book shall be styled a "Book of Registry of the Fire Department," and shall be open at all times to public inspection.

Book of Registry
of the Fire
Department.

Fire companies
to obey Chief
Engineer.

Sec. 12. It shall be the duty of each and every fire company, in going to or returning from any fire or alarm of fire, or removing their apparatus from their respective places of deposit, to obey the orders of the Chief or other Engineer.

Disobedience of
orders.
How punished.

Sec. 13. In case any foreman or assistant foreman, or any other firemen, having charge of any fire company, shall disobey or refuse to obey any order or direction given by the Chief or other Engineer, he shall, for such offence, be tried by the Board of Delegates, and if convicted, be, at their option, suspended or expelled from the fire department, subject to the approval of the Mayor.

To keep
apparatus in
good order.

Secretary to
report to Chief
Engineer.

Sec. 14. Each and every company shall keep, or cause to be kept, their apparatus in good order and condition, so that it shall be ready for service at any moment; and the secretary of each company shall report to the Chief Engineer, or the person acting as such, once quarterly, the condition of the company, and the number of times they have been in service, with a list of members.

Apparatus not
to be removed
from house dur-
ing fire, except
by the company.

Penalty.

Sec. 15. No fire engine, hook and ladder, or hose cart, during any fire in this city, or any report of fire, at any time, under any pretence whatever, shall be taken or removed out of its house, unless the foreman, or one of the assistant foremen, or at least two of the firemen to which the same shall belong, shall be present and consent thereto, under the penalty of ten dollars for every such offence, to be forfeited and paid by, and recovered from, any and every person aiding and assisting in, or consenting to, the violation of any of the provisions of this section.

Houses not to be
used for other
purposes.

Sec. 16. No house, belonging to any fire engine, hook and ladder, or hose company, shall be used for any purpose not directly authorized by the company to whom the same appertains, without the previous consent, in writing, of the foreman or president of such company, or ordered by the Common Council.

Firemen's
powers during
conflagrations.

Sec. 17. Every fireman, during the time of any conflagration, shall have all the powers of a policeman; they may prevent persons, other than firemen, or those particularly interested in extinguishing the fire, (except it be the owner of goods, or owners of property, particularly interested in the removal of their goods, or persons assisting them,) from coming into such portion of the city as may interfere with the firemen in the extinguishment of fires.

Sec. 18. It shall be unlawful for any drayman, cartman, or hackman, to drive his dray, cart, or hack, whether loaded or otherwise, across any fire hose, unless said hose is protected in such way as to prevent all possibility of injury. For every violation of this section, the party, so offending, shall be subject to a fine of not less than ten dollars, or to fine and imprisonment, as the Recorder may determine.

Sec. 19. It shall be the duty of the secretary of each fire and hook and ladder company to furnish the secretary of the Board of Delegates, at least two days previous to a general election for Chief and Assistant Engineers, a certified list of the certificate members of their respective companies; and he shall compare the same with the Board of Delegates' list of the certificate members of the department, and shall erase the names of all such members as shall have resigned or been expelled; and, after correcting such list, shall supply the judges of election with a certified copy of the same, which list shall comprise the voters, and none others shall be entitled to vote at said election.

Secretaries to furnish Board of Delegates with list of members.

List to be furnished to judges of election.

Sec. 20. The foremen of the different fire engines, hook and ladder, and hose companies, when called together by a vote of any one company, shall have the power to impeach any Chief or Assistant Engineer, for neglect or inability to discharge the duties of his office; and when an impeachment shall so be made, the party impeached shall, after receiving one week's notice of the same, together with a written specification of the charges made, be tried before the Board of Delegates of the fire department, and shall be liable to such action as the Board may deem proper, subject, however, to the approval of the Mayor.

Impeachment of Chief or Assistant Engineers.

Sec. 21. It shall be the duty of the Chief Engineer, should any emergency occur during a conflagration, which, in his opinion, requires the removal of any building or buildings, or any combustible materials, to cause such removal to be made.

Removal of buildings.

Sec. 22. If any person or persons, during a conflagration, be called upon by the Mayor, Marshal of the city, Policeman, or Engineer of the fire department, or any of his assistants, to aid and assist in extinguishing the fire, or in the removal of goods endangered by the fire, and shall fail or refuse to afford such assistance, any of the officers above named, may arrest the person so refusing,

Persons refusing to assist at fires.

Penalty.

and take or send him to the station house, and he or they, on conviction before the Recorder, shall be fined not less than five dollars, nor more than one hundred dollars.

Not to apply to
physicians, &c.

Sec. 23. Nothing in the preceding section of this Title shall be construed to apply to physicians whilst engaged in their professional duties, or persons disabled by sickness or physical inability.

Water from
public cisterns
not to be taken
for private
purposes.

Penalty.

Sec. 24. It shall be unlawful for any person or persons, to use for private purposes, the water from any public cistern in the city of San Francisco, and any person or persons convicted of so using such water, shall be subjected to a fine of not more than five hundred dollars, nor less than one hundred dollars, at the discretion of the Recorder.

TITLE II.

POWDER.

Storekeeper of
powder magazine
to be elected.

Not more than
five pounds of
powder to be
kept in the city.

Penalty.

Section 1. A store keeper shall be appointed by the Common Council, in joint ballot, whose duty it shall be to take charge of the city powder magazine, subject to such regulations as the Common Council may deem advisable. No person or persons shall keep for his or their private use, in any one house or place within the limits of this city, more than five pounds of gunpowder at any one time, under the penalty of one hundred dollars for each offence.

No person shall
sell without
license.

Twenty-five
pounds only to
be kept.
How secured.

Where placed.

Sec. 2. No person shall hereafter keep powder on sale, within the limits of this city, without first obtaining a license of the Comptroller, which he shall be entitled to have by the payment of one dollar, which shall go into the city treasury; nor shall such person keep in any one store, building, or other place, within the limits of the city, more than twenty-five pounds of powder at one time, and *that* shall be kept in a strong iron or copper chest, well secured and fastened, with the word *Powder* distinctly painted upon it. The said chest shall always be kept within three feet of the main entrance of the building or place where powder is kept, so that in the event of fire, it may be readily removed. Moreover, it shall be the duty of every person obtaining a license,

and selling powder as aforesaid, to keep in a conspicuous place on the front of the building or place in which such powder is kept, a sign with the words "*Licensed to sell Powder*," conspicuously painted upon it; and any person offending against any of the provisions of this Title, shall be fined not less than one hundred dollars, nor more than five hundred, at the discretion of the Recorder.

"Licensed to sell powder," in front of building.

Penalty.

Sec. 3. It shall be the duty of the captains of all vessels lying in this harbor, whose cargo consists in whole or in part of gunpowder, to notify the storekeeper of the powder magazine, within five days after his arrival in this port, of the landing of the same at some convenient point, in order that it may be received and stored; and any captain wilfully disregarding this section, shall be fined for each offence, and for every day's continuance, at the discretion of the Recorder.

Powder in cargoes.
Master to notify storekeeper of the landing.

Penalty.

Sec. 4. It shall be the duty of the storekeeper of the magazine, when requested so to do, to convey powder to and from the magazine, and for the removal and delivery of the same, he shall be entitled to receive from the person or persons so ordering the same, the sum of fifty cents per keg; and for every month that he shall keep the same in the magazine aforesaid, he shall be entitled to receive the sum of seventy-five cents for each keg.

Compensation to storekeeper for removal of powder.

Storage.

Sec. 5. The storekeeper of the powder magazine shall execute a bond to the city, for the benefit of the depositors, for the faithful discharge of his duties, with two sufficient securities, to be approved by the Mayor, in the sum of five thousand dollars; and it shall be his duty to give a receipt for all powder deposited with him.

Official bond.

To give receipts.

Sec. 6. It shall be the duty of all persons having a greater quantity of powder than is allowed in the preceding sections of this Title in their possession, either in houses or vessels, to notify the storekeeper of the magazine immediately, so that he may remove or cause to be removed all powder within the limits of this city to the magazine.

Persons having powder to notify storekeeper.

TITLE III.

FIRE WARDENS AND FIRE LIMITS.

Fire limits
defined.

Sub-divided into
four districts.

Section 1. The fire limits of the city of San Francisco shall be within the following boundaries, viz: Beginning at the bay and running through Union street to its intersection with Powell street, thence along Powell street to its intersection with Post street, thence along Post street to its intersection with Second street, thence along Second street to its intersection with Folsom street, thence along Folsom street to the waters of the bay, thence along the water front of the city to the place of beginning. These limits shall be sub-divided into four fire districts, as follows: The first district shall embrace that portion lying between Union and Jackson streets. The second district shall embrace that portion lying between Jackson and Clay streets. The third district shall embrace that portion lying between Clay and California streets. The fourth district shall embrace that portion lying between California and Folsom streets.

Fire wardens,
how appointed.

To be sworn.

Certificate of
appointment.

Powers.

Sec. 2. There shall be a fire warden in each district, to be nominated by the Common Council and confirmed by the Mayor. When so appointed, he shall be sworn in and receive from the Mayor a certificate of appointment, which shall vest him with all the powers of a policeman and be his authority for carrying out the provisions of this Title.

Fire wardens to
examine build-
ings twice in
each month.

Sec. 3. It shall be the duty of the fire wardens to examine, as often as twice each month, all buildings or places, where fires are or may be used, within their respective districts, for the purpose of discovering any violation of this or any other ordinance that may be hereafter adopted for the prevention of fires.

To direct correc-
tion of dangerous
fire-places, &c.

Penalty.

Sec. 4. If in the opinion of any fire warden, there is any danger to be apprehended from the construction of any fire place, stove, stove pipe, chimney, or in any other manner, from fire, to direct the danger to be corrected, and if the direction is not complied with, within a reasonable time, the parties so offending, shall be subject to a fine of not less than twenty-five dollars, nor more than five hundred dollars, at the discretion of the Recorder.

Sec. 5. No person shall make, or cause to be made, any fire in any street, lane, open lot, or public square within the fire limits, unless he or they first obtain the written permission of the Mayor or fire warden, under the penalty of not less than ten dollars, nor more than fifty dollars for each offence, at the discretion of the Recorder.

No fires to be made in streets without permit.

Sec. 6. No owner or occupant of any stable, or other place, where combustibles are exposed, shall use therein a lighted candle, or lamp of any description, except the same shall be securely kept within a lantern, under the penalty of twenty-five dollars for each offence.

Stable keepers, &c., not to use lamp or candle.

Sec. 7. No hay or other dangerous material shall be stored in any lot within the fire limits, unless under secure cover and enclosed, under a penalty of not less than twenty-five dollars, nor more than one hundred dollars, at the discretion of the Recorder.

Hay, &c. not to be stored within fire limits, unless covered.

Sec. 8. No cloth covered, or tent building, shall be permitted within the fire limits, and a refusal to remove the same, shall subject the offender to a fine of not less than twenty-five dollars, nor more than one hundred dollars, at the discretion of the Recorder.

No cloth covered building permitted within fire limits.

Sec. 9. The Mayor, Street Commissioner and Marshal, shall be, ex officio, fire wardens, but shall receive no pay therefor.

Ex officio wardens.

CHAPTER VI.

COMMON SCHOOLS.

Districts
established.

District No. 1.

Section 1. The city of San Francisco shall be, and hereby is, divided into seven common school districts, as follows:

1. School district number one, shall embrace all the south-east portion of the city, lying south of Howard Street, and east of Harris street.

District No. 2.

2. School district number two, shall embrace all that part of the city north of Howard street, south of Pine and the easterly portion of Market street, east of Harris and Leavenworth streets to the east line of the city.

District No. 3.

3. School district number three, shall embrace all that portion of the city bounded on the south by Pine street and by Market street east of its intersection with Pine street, on the west by Leavenworth street, on the north by Vallejo street between Leavenworth and Kearny streets, and by Jackson street between Kearney and the east line of the city, and on the east by Kearny street between Vallejo and Jackson, and by the east line of the city between Jackson and Market streets.

District No. 4.

4. School district number four, shall embrace all the north-east portion of the city bounded on the south by Jackson street, and on the west by Kearney street.

District No. 5.

5. School district number five, shall include all that portion of the city bounded on the north by the north line of the city, on the east by Kearny street, on the south by Vallejo, and on the west by Leavenworth street.

District No. 6.

6. School district number six, shall embrace all the north-west portion of the city lying north of a line extending the line of Pine street to the west line of the city and west of Leavenworth street.

District No. 7.

7. School district number seven, shall include the south-west portion of the city lying south of a line extending the line of Pine street west to the west line of the city and west of Leavenworth and Harris streets.

Provided, always, and the right is hereby reserved to the Com-
mon Council, that the said school districts may be sub-divided or
changed in the boundaries thereof, and new school districts may be
formed whenever occasion may require.

Sec. 2. A school house shall be erected or otherwise provided,
in each of the school districts in this city, and a free common school
shall be established and sustained in each of said school districts,
so soon as shall be deemed expedient and necessary by the Com-
mon Council to establish such school.

Sec. 3. All district schools in this city shall be public and free
to all children and youth residing within the respective districts,
under the age of eighteen years, and over the age of four years,
and they shall be free from all sectarian and denominational influ-
ence or interference.

Sec. 4. All moneys raised or to be raised for school purposes,
by tax under the provisions of the city charter, and all moneys re-
ceived or to be received from other sources for such purposes, shall
constitute a separate and distinct fund, to be called the "Free
Common School Fund of the city of San Francisco," and a sepa-
rate and distinct account thereof and of its disbursements, shall be
kept by the proper officer or officers of the city, charged with the
collection, custody and control thereof, and no portion of the mon-
eys of the said fund shall be appropriated or devoted to any other
object or purpose than to the support and the promotion of the in-
terests of free common schools in this city.

Sec. 5. A Board of Education, consisting of one Alderman,
one Assistant Alderman, and two citizens, not members of the
Common Council, shall be elected by joint ballot of the Common
Council, immediately after the passage of this ordinance, and
thereafter immediately succeeding each annual charter election,
and the members of the said Board, shall hold their offices as such
until their places shall be supplied by a new election, or they be
removed by the Common Council. All vacancies in the said Board
of Education, shall be supplied from time to time by a like elec-
tion. The Mayor of the city shall be, ex officio, a member, and
the President of the said Board, but he shall have no vote therein
except a casting vote, and that only when all the members of
the Board shall be present. Any three of the elected members

Common Council
may change
boundaries, &c.

School houses.

Schools to be
free to all.

No sectarian
interference.

Common school
fund.

Separate account
to be kept.

Moneys not to be
appropriated to
other purposes.

Board of
Education

How elected.

Tenure of office.

Vacancies how
filled.

Mayor ex officio
President.

Casting vote
only.

- Quorum. of the Board shall constitute a quorum for the transaction of business.
- Powers of the Board. Sec. 6. The Board of Education shall have power, and it shall be the duty of the said Board, under the supervision and ordinances of the Common Council,—
- To complete its organization and make by-laws. 1. To appoint, from time to time, from its own members, the necessary officers to complete its own organization, and adopt by-laws for the regulation of its own proceedings.
- To appoint superintendent. 2. To appoint a superintendent of common schools for the city, who shall also be clerk of the said Board of Education; but no member of the said Board, nor of the Common Council, shall be elected to the office of superintendent of common schools.
- To procure sites for school houses. 3. To designate and purchase, or receive as a free gift, a lot for the site of a school house in each school district, and receive conveyance thereof to the city of San Francisco, or to rent or hire such lot or site on such terms and under such conditions as the said Board shall deem expedient, subject to the decision of the Common Council.
- To hire or build school houses. 4. To contract for, build, rent, purchase, or otherwise obtain, upon such school sites, in the school districts, respectively, such school houses and buildings, fences and fixtures, as shall be suitable and sufficient.
- To enlarge, repair, &c., school houses, and supply them with furniture, &c. 5. To complete, improve, enlarge, repair, and furnish the district school houses, from time to time, as shall be found necessary and proper, and supply the said school houses with such school apparatus, books, stationery, furniture and appendages for the use of the schools, as shall be necessary and convenient: *Provided*, the expense shall not exceed the appropriations made by the Common Council for such purposes.
- To prescribe course of studies. 6. To prescribe the course of studies to be pursued in the said free common schools, specifying the branches of education to be taught therein.
- To employ and discharge teachers. 7. To contract with and employ all teachers of the said free common schools, and to dismiss any teacher whenever the said Board of Education shall perceive that the interests of any such school requires a change, notwithstanding any previous contract for the hiring of such teacher.
- To prescribe rules and regulations. 8. To prescribe, to the superintendent and teachers, rules and regulations for dividing the said common schools into primary and higher departments, or otherwise, and for transferring pupils from one department to another.

9. To visit and examine, at least twice a year, all and each of ^{To examine} the said common schools, and enquire into and ascertain the con- ^{schools.} dition, progress and prospects of the several schools.

Sec. 7. The superintendent of common schools, aforesaid, shall ^{Superintendent} be the executive officer of the said Board of Education ; and shall, ^{to be executive} moreover, be subject to the ordinances of the Common Council reg- ^{officer.} ulating his department, and he shall carry into execution and effect ^{His duties.} the provisions and requirements of all such ordinances, and the de- crees and decisions which the said Board of Education shall make under the ordinances of the Common Council. He shall have ^{His powers.} power, and it shall be his duty, under the supervision of the Board of Education,—

1. To make, as the Clerk of the said Board of Education, a full ^{To act as clerk.} and fair record of the proceedings of the said Board and to perform such other duties as usually appertain to the office of clerk.

2. To visit, examine, and ascertain the condition and improve- ^{To examine} ment of all the free common schools in the city, and under his ^{schools monthly.} superintendence, at least once a month, and give to the teachers such instruction and advice as he may deem advantageous for the schools, and conducive to their prosperity and usefulness.

3. To furnish to the several teachers a list or catalogue of school ^{To prescribe} books to be used in the schools, in the several branches prescribed ^{the books to be} by the Board of Education to be taught in said schools, having ^{used.} reference, in the selection of books, to their merits, and to the facilities for obtaining them.

4. To furnish the teachers of all the said free common schools ^{To furnish} suitable blank reports, to be filled up by the teachers of the re- ^{teachers with} spective schools, and returned to him once in three months, at the ^{blank reports.} times to be specified in said blank reports, showing and specifying the number of children and youth, in their respective school dis- tricts, between the ages of four and eighteen years ; the number actually attending such school, the branches taught, and the num- ber taught in each branch ; the names and titles of all the school books used in the schools, and such other matters of interest as the said superintendent may require.

5. To suspend or expel from any of the said free common schools, ^{To suspend or} with the advice of the teacher, any pupil who will not submit to the ^{expel pupils.} reasonable and ordinary rules of order and discipline, subject, how- ever, to an appeal to the Board of Education.

6. And, generally, to do and perform all such acts and things, ^{Generally.} within the scope of his duties and authority, as superintendent of

the free common schools of the city of San Francisco, as shall tend to the promotion of the interest and prosperity of the said schools.

Committee to
examine
teachers.

Sec. 8. The said superintendent and any two members of the Board of Education, shall constitute a committee for the examination of all persons presenting themselves as candidates for teachers, and if such committee shall be satisfied that any such person is of good moral character, and is of sufficient learning and ability, and has a competent aptness and fitness for teaching, the said committee may grant to every such person a certificate under their hand, setting forth such qualifications, and their approval, which said certificate shall continue in force one year, unless sooner revoked by the Board of Education, and no longer.

Certificate of
fitness.

No teacher to
receive salary
without a cer-
tificate of fitness.

Sec. 9. No teacher shall be entitled to receive from the city common school fund any compensation or salary for services, unless such teacher shall have received, from the committee of examination, within one year next before the services rendered, a certificate of competency and approval, as prescribed in and by the foregoing eighth section of this Title; nor unless such teacher shall have promptly made report to the superintendent, as required by the fourth sub-division of section seven of this Title.

No money to be
drawn till the
account be ap-
proved by the
Board of Edu-
cation, and report-
ed to Common
Council.

Sec. 10. No money shall be drawn from the free common school fund of the city, for the purchase, rent, or improvement of any school-house site, for the erection, purchase, rent, enlargement or repair of any school-houses, fences, or out-buildings; nor for teachers' salaries, school apparatus, books, stationery, furniture, fixtures, or other expenses or disbursements, until the account or estimate thereof shall have been reported to the Common Council, duly approved by the Board of Education, specifying particularly the nature and character of the claim, and the object of the appropriation for which application is made.

Quarterly
report.

Sec. 11. The said superintendent of common schools shall make a full report of his official doings, and of all the free common schools under his superintendence, to the Board of Education, once a quarter, on the first days of February, May, August and November.

Board of Edu-
cation to keep
record.

Sec. 12. The Board of Education shall, by its clerk, keep a full and fair record of its proceedings, which shall at all times be

open and free to the inspection of the Common Council and each of its members, and of the superintendent and the said Board of Education, shall, annually, not less than five days nor more than ten days next previous to the annual charter election, make a report, ^{To report annually.} in writing, to the Common Council, of the transactions of the Board subsequent to the last previous report, and shall therewith transmit ^{To transmit report of superintendent.} to the Common Council the report presented to the said Board by the said superintendent, retaining a true copy thereof upon the records of the Board.

Sec. 13. There shall be held, quarterly, on the call of the said ^{Quarterly convention of teachers.} superintendent of common schools, a public convention of the teachers of the free common schools of the city, for the examination and discussion of topics pertaining to the rights and duties of teachers, and the best method of imparting instruction, which shall be free to all the friends of free popular education, at which convention the said superintendent, or a member of the Board of education, shall preside in person, or call some other person to the chair pro tem.

Sec. 14. The superintendent of the free common schools shall ^{The superintendent to be reimbursed for moneys expended.} receive from the free common school fund all moneys necessarily disbursed by him in the performance of the duties of his office, subject to the approval of the Common Council.

CHAPTER VII.

WARDS, OFFICERS, SALARIES, AND SEAL.

TITLE I.

WARDS.

**Boundaries
of wards.**

Section 1. The eight wards of the city shall hereafter be bounded as follows :

First ward.

Sec. 2. The first ward shall include all that portion situated east of a line running through the centre of Montgomery street, and north of a line running through the centre of Jackson street.

Second ward.

Sec. 3. The second ward shall include all that portion situated west of the said line in Montgomery street, and north of the aforesaid line in Jackson street.

Third ward.

Sec. 4. The third ward shall include all that portion situated east of a line running through the centre of Montgomery street and between the aforesaid line in Jackson street, and a line running through the centre of Sacramento street.

Fourth ward.

Sec. 5. The fourth ward shall include all that portion situated west of the aforesaid line in Montgomery street and between the said line in Jackson street, and a line running through the centre of Clay street.

Fifth ward.

Sec. 6. The fifth ward shall include all that portion situated between the intersection of Sacramento and Market streets and the aforesaid line in Montgomery street, and between the said line in Sacramento street and a line running through the centre of Market street.

Sec. 7. The sixth ward shall include all that portion situated ^{Sixth ward.} west of said line in Montgomery street and between the aforesaid line in Clay street, and a line running through the centre of Bush street.

Sec. 8. The seventh ward shall include all that portion situated ^{Seventh ward.} south and east of said line in Market street and east of a line running through the centre of Fourth street.

Sec. 9. The eighth ward shall include all that portion situated ^{Eighth ward.} west of the said line in Fourth street and south of said line in Bush street, commencing at Montgomery street and running through said street to the centre of Market street, thence up Market street to its intersection with Fourth street.

TITLE II.

OFFICES.

Section 1. There shall be an officer called Clerk of the Re- ^{Recorder's}
corder's Court. ^{Clerk.}

Sec. 2. He shall be appointed by, and removed at, the discre- ^{How appointed}
tion of the Recorder. ^{and removed.}

Sec. 3. The duties of the Clerk of the Recorder's Court shall ^{His duties.}
be to keep the books and records of said court, and to perform generally such duties as are attached by law or custom to such offices.

Sec. 4. There shall be a clerk to the Common Council, who ^{Clerk to Common}
shall be elected on joint ballot. ^{Council—how}
^{elected.}

Sec. 5. It shall be the duty of said clerk to open a set of ^{His duties.}
books and keep a systematic and complete record of the proceed- ings of the Common Council, to record all ordinances and resolutions passed finally, showing when and by whom introduced, in which Board, with the ayes and noes upon the same, and also to record, with the action thereon, all messages, official communications, and reports of committees, and to enter all bills as acted upon, and to perform such other duties as may be required by the

Office hours. Common Council. He shall keep his office open to the public daily, from ten o'clock in the forenoon to three in the afternoon, Sundays and holidays excepted.

City Attorney may retain associate counsel. Sec. 6. The City Attorney is authorized, for the better dispatch of the law business in which the city of San Francisco is interested, to employ suitable counsel in such matters as may be necessary.

Compensation. Sec. 7. The compensation of such associate counsel shall not exceed the sum of two hundred dollars in any one case, and when the aggregate of such expense reaches the amount of five thousand dollars, no further expenditure shall be made, and the City Attorney shall thereupon report the same to the Common Council, with a full statement of the expenditure in each case, and to whom, with such further and other explanations as in his judgment may be required.

City Attorney to report.

Inspector of licenses—how appointed and sworn. Sec. 8. There shall be an Inspector of Licenses, who shall be appointed by the city Tax Collector, and be confirmed by the Mayor, and be sworn to be faithful in the discharge of his duty.

Term of office. He shall hold his office during the pleasure of the appointing power, and be under the immediate direction and control of the Tax Collector, to whom he shall report daily. The said Inspector shall hold no other office.

His duties.

City Physician—how appointed. Sec. 9. There shall be a City Physician, who shall be appointed by the Common Council, and hold his office during the pleasure of the appointing power.

Term of office.

Collector of street assessments. Sec. 10. There shall be a Collector of Street Assessments, who shall be appointed by the Common Council, and hold his office during their pleasure.

Appointment and term of office.

Chief Engineer of fire department, and 1st, 2d and 3d Assistant Engineers. How elected. Sec. 11. There shall be a Chief Engineer of the Fire Department, and a first, second and third Assistant Engineer of the Fire Department, who shall be elected by the members of the said department.

Fire Wardens. How appointed. Sec. 12. There shall be a Fire Warden in each district, to be nominated by the Common Council and confirmed by the Mayor.

Sec. 13. There shall be thirty-two Policemen, including a Policemen, Captain and Assistant Captain. Captain of Police and an Assistant Captain, each to be recommended by at least ten respectable tax-paying citizens, to be appointed by the Common Council and approved by the Mayor, who may be removed by the Marshal, with the concurrence of the Mayor. How appointed.

TITLE III.

SALARIES.

Section 1. The officers of the city government, hereinafter Salaries fixed. enumerated, shall receive, as a compensation for their services, as follows :

Sec. 2. The Mayor, Recorder, Comptroller, Attorney, Marshal and Street Commissioner shall each receive the sum of four Mayor, Recorder, Comptroller, Atty. Marshal, St. Commissioner thousand dollars per year.

Sec. 3. The City Assessors shall each receive the sum of City Assessors. fifteen hundred dollars per year.

Sec. 4. The Clerk of the Mayor and of the Recorder shall Clerk of Mayor and Recorder. each receive the sum of two thousand dollars per year.

Sec. 5. The Clerk of the Board of Aldermen and the Clerk of Clerk Board Aldermen and Assistant. the Board of Assistant Aldermen shall each receive the sum of twelve hundred dollars per year.

Sec. 6. The Treasurer shall receive, in lieu of a salary, one Treasurer half of one per cent. on all moneys received, paid out, and accounted for by him.

Sec. 7. The Collector shall receive, in lieu of a salary, one Collector. per cent. on all moneys collected and paid over by him into the city Treasury.

Sec. 8. The salaries above mentioned shall be paid monthly. To be paid monthly.

Sec. 9. The Secretary of the Commissioners of the Funded Secretary of Commissioners of Funded Debt. Debt of the city of San Francisco shall receive the sum of fifteen

Other
Commissioners.

How paid.

hundred dollars, and the remaining members the sum of two hundred dollars each, as full compensation for each year's services, (no allowance to be made for clerk hire). The same to be paid as provided for by an Act of the Legislature, entitled "An Act to authorize the funding of the floating debt of the city of San Francisco and for the payment of the same," approved May 1st, 1851.

Clerk of Com-
mon Council.

Sec. 10. The Clerk of the Common Council, as such, shall receive the sum of twenty-four hundred dollars per annum, payable monthly.

Inspector of
licenses.

Sec. 11. The Inspector of Licenses shall receive one hundred and fifty dollars per month, payable out of the contingent fund. So much of section 1 of Title II. of Chapter I. as gives one-fourth of the penalty to the informer shall not apply to this office.

City Physician.

Sec. 12. The City Physician shall receive for his services the sum of one hundred dollars per month, payable on the first day of each month, and one per cent. on all moneys received by him as treasurer of the city hospital.

Collector of
assessments.

Sec. 13. The Collector of Street Assessments shall receive in full compensation for his services one per cent. of the amount of his collections.

Chief Engineer
of Fire Depart-
ment.

Sec. 14. The Chief Engineer of the Fire Department shall receive for his services a yearly salary of three thousand dollars, payable in the same manner as that of the other city officers.

Fire Wardens.

Sec. 15. Each Fire Warden shall receive for his services one hundred dollars monthly, out of the fire department fund.

Superintendent
of Common
Schools.

Sec. 16. The Superintendent of Common Schools shall receive a salary of twenty-four hundred dollars per annum, payable monthly, in full for his services as such superintendent, and as clerk of the Board of Education.

Captain and As-
sistant Captain.

Sec. 17. The Captain and Assistant Captain of Police shall receive each two hundred dollars per month.

Sec. 18. Each Policeman shall receive one hundred and fifty ^{Policemen.} dollars per month.

TITLE IV.

SEAL.

Section 1. The corporate seal of the city of San Francisco ^{Corporate Seal.} shall bear upon its face the arms of the city, representing the ^{Arms of the city.} Golden Gate in the back ground, with vessels entering, in the front centre a phoenix rising, and on each side emblems of commerce, around the margin the words, "Seal of the City of San Francisco."

Sec. 2. The Mayor of the city shall have the charge and con- ^{Mayor to have custody.} trol of the seal of the city, and shall therewith authenticate all acts ^{How to be used.} of the city.

Sec. 3. There shall be a smaller seal, bearing the same em- ^{Seal of the Mayoralty.} blems as the seal of the city, with these words around the margin, "Seal of the Mayoralty of San Francisco."

Sec. 4. The Mayor shall have charge of the seal of the mayor- ^{How to be used.} alty, and with it shall authenticate all his official acts.

Passed the Common Council finally, November 3d, 1852.

NATHANIEL HOLLAND,
President of the Board of Assistant Aldermen.

J. H. BLOOD,
President of the Board of Aldermen.

Approved, November 4th, 1852.

S. R. HARRIS, Mayor.

AN ORDINANCE TO REPEAL CERTAIN ORDINANCES.

The People of the City of San Francisco do ordain as follows :

General repealing clause.

Section 1. From and after the passage of this ordinance, the following ordinances shall be repealed, viz :

List of ordinances repealed.

1. An ordinance regulating the duties of Harbor Master ; approved May 16, 1850.

2. An ordinance in relation to nuisances ; approved May 22, 1850.

3. An ordinance to prevent encroachments on the streets ; approved May 22, 1850.

4. An ordinance against obstructions and nuisances in the streets and of the city ; approved May 22, 1850.

5. An ordinance requiring Assessors to report within sixty days ; approved May 22, 1850.

6. An ordinance in relation to the extinguishment of fires ; approved May 22, 1850.

7. An ordinance regulating bar-rooms, &c. ; approved May 30, 1850.

8. An ordinance creating a commission to enquire into city property ; approved May 30, 1850.

9. An ordinance relative to supplying the city with water buckets.

10. An ordinance to pay three thousand dollars for the capture of John Withers.

11. An ordinance to prevent riots in the streets ; approved May 30, 1850.

12. An ordinance to stay proceedings on a judgment of the city ; approved May 30, 1850.

13. An ordinance in relation to establishing a city hospital ; approved May 30, 1850.

14. An ordinance to prevent nuisances in the city ; approved May 30, 1850.

15. An ordinance in relation to reservoirs, wells, engines and engine houses ; approved May 30, 1850.

16. An ordinance regulating licenses ; approved May 31, 1850.

17. An ordinance providing for the election of Aldermen ; approved June 11, 1850.

18. An ordinance providing a contingent fund ; approved June 11, 1850.

19. An ordinance authorizing the purchase of fire buckets for the City Hall ; approved June 11, 1850.

20. An ordinance authorizing an election of Aldermen ; approved June 15, 1850.

21. An ordinance authorizing the Treasurer to grant bonds, &c. ; approved June 17, 1850.

22. An ordinance authorizing a loan of one hundred thousand dollars ; approved June 22, 1850.

23. An ordinance to prevent running horses in the public streets ; approved June 17, 1850.

24. An ordinance authorizing the payment of the salary of M. S. Latham ; approved June 20, 1850.

25. An ordinance against the violation of the sabbath ; approved June 24, 1850.

26. An ordinance creating a city hospital ; approved June 24, 1850.

27. An ordinance providing for the safe keeping of gunpowder ; approved June 24, 1850.

28. An ordinance repealing the license bill ; approved June 26, 1850.

29. An ordinance for the safe keeping of powder ; approved June 17, 1850.

30. An ordinance authorizing the Treasurer to grant bonds, No. 2 ; approved July 1, 1850.

31. An ordinance authorizing the Treasurer to receive instalments on water lots ; approved July 1, 1850.

32. An ordinance for the organization of the police department ; approved July 1, 1850.

33. An ordinance organizing a fire department ; approved July 1, 1850.

34. An ordinance authorizing the sale of the buildings on Portsmouth Square ; approved July 8, 1850.

35. An ordinance to prevent the erection of buildings of cloth within the fire limits ; approved July 8, 1850.

36. An ordinance providing for the receipt and disbursement of subscriptions for the fire department ; approved July 8, 1850.

37. An ordinance authorizing an election to fill the vacancies in the Board of Assistant Aldermen ; approved July 12, 1850.

38. An ordinance providing for grading and planking the streets of San Francisco ; approved July 15, 1850.

39. An ordinance authorizing the Comptroller to advertise for proposals for city printing ; approved July 26, 1850.

40. An ordinance authorizing the issue of city scrip ; approved July 26, 1850.

41. An ordinance authorizing the issue of licenses ; approved August 1, 1850.

42. An ordinance relative to the Assessors ; approved August 5, 1850.

43. An ordinance granting lot for Public Basin ; approved August 6, 1850.

44. An ordinance authorizing the payment to Messrs. Leroy and Raymond, twenty-two thousand two hundred and sixteen dollars ; approved August 7, 1850.

45. An ordinance to amend an ordinance authorizing the issue of licenses ; approved August 12, 1850.

46. An ordinance for the establishment of a Health Department ; approved August 19, 1850.

47. An ordinance authorizing the construction of a wharf at the foot of Taylor street ; approved August 19, 1850.

48. An ordinance for the improvement of certain streets ; approved August 23, 1850.

49. An ordinance for the creation of a city stock ; approved August 23, 1850.

51. An ordinance for the improvement of Stockton street to the North Beach ; approved August 23, 1850.

52. An ordinance regulating the construction of sidewalks ; approved August 24, 1850.

53. An ordinance apportioning assessments ; approved August 24, 1850.

54. An ordinance authorizing the City Attorney to employ associate counsel ; approved August 26, 1850.

55. An ordinance to create additional city scrip ; approved September 4, 1850.

56. An ordinance to create the office of City Guager, Weigher

and Sealer of Weights and Measures; approved September 4, 1850.

57. An ordinance to plank Sacramento street on east side of Sansome street; approved September 4, 1850.

58. An ordinance to enclose the Public Plaza; approved September 9, 1850.

59. An ordinance creating the office of City Sexton; approved September 11, 1850.

61. An ordinance for the collection of taxes; approved September 11, 1850.

62. An ordinance in addition to an ordinance for grading and planking Clay street; approved September 20, 1850.

63. An ordinance for the organization of the Street Department; approved September 20, 1850.

64. An ordinance authorizing the payment of the salary of the City Assessors; approved September 21, 1850.

66. An ordinance providing salaries for certain officers of the city government; approved October 1, 1850.

67. An ordinance to amend an ordinance for the creation of city stock; approved October 1, 1850.

68. An ordinance to amend an ordinance organizing a Fire Department; approved July 1, 1850.

69. An ordinance for the prompt collection of assessments for the public improvement, authorized by ordinance No. 38, to grade and plank the streets of San Francisco; approved October 7, 1850.

70. An ordinance relating to the assessments for public improvements; approved October 7, 1850.

71. An ordinance authorizing the issue of city scrip; approved October 7, 1850.

77. An ordinance authorizing the issue of one hundred thousand dollars of scrip; approved October 23, 1850.

78. An ordinance regulating the duties of the Tax Collector; approved October 23, 1850.

79. An ordinance authorizing commissioners to search the records of Sonoma; approved October 25, 1850.

80. An ordinance for the issue of one hundred and fifty thousand dollars of scrip; approved October 31, 1850.

81. An ordinance for the collection of assessments on California and other streets; approved November 1, 1850.

82. An ordinance to relieve E. A. Edgerton; approved November 4, 1850.

83. An ordinance to create the office of Clerk to the Recorder ; approved November 4, 1850.

84. An ordinance establishing the office of Clerk to the Comptroller's office ; approved November 4, 1850.

85. An ordinance authorizing the division of the city into wards ; approved November 5, 1850.

87. An ordinance organizing a Board of Health ; approved November 4, 1850.

89. An ordinance appropriating five thousand dollars to the Board of Health ; approved November 11, 1850.

90. An ordinance appropriating five thousand dollars to the City Hospital ; approved November 11, 1850.

93. An ordinance authorizing the Comptroller to issue scrip to Hook and Ladder Company ; approved November 22, 1850.

94. An ordinance for the payment of William Green, for the removal of the Ocean House ; passed by a two-third vote, November 18, 1850.

95. An ordinance to establish the office of Clerk to the City Attorney ; approved November 9, 1850.

97. An ordinance fixing the salary of the Clerk to the Street Commissioner ; approved November 15, 1850.

98. An ordinance appointing a committee to settle the costs of Broadway Wharf ; approved December 2, 1850.

99. An ordinance supplementary to an ordinance providing a Health Department ; approved December 9, 1850.

100. An ordinance to purchase the Waverly House ; approved December 9, 1850.

101. An ordinance prohibiting the tying of animals for more than twelve hours ; approved December 13, 1850.

102. An ordinance concerning the corporate seal ; approved December 13, 1850.

103. An ordinance appropriating five thousand dollars to the use of the Board of Health ; approved December 13, 1850.

104. An ordinance providing a Clerk to the City Treasurer ; approved December 14, 1850.

105. An ordinance for the payment of the City Collector for deputies ; approved December 13, 1850.

106. An ordinance for the improvement of Dupont street, and others ; approved December 13, 1850.

107. An ordinance for the collection of assessments on Pacific street ; approved December 13, 1850.

109. An ordinance establishing the office of wharfinger to the city wharves ; approved December 20, 1850.

110. An ordinance for the improvement of Jackson street ; approved December 26, 1850.

111. An ordinance to regulate weights and measures ; approved December 23, 1850.

112. An ordinance authorizing the President of the Board to sign the Deeds of Trust, etc. ; approved December 23, 1850.

113. An ordinance to repeal section ten of ordinance No. 67, approved October 1, 1850, and adopting a substitute in lieu thereof ; approved December 23, 1850.

114. An ordinance authorizing the City Attorney to deed city wharves ; approved December 23, 1850.

115. An ordinance granting interest on police bills ; approved December 27, 1850.

116. An ordinance appropriating ten thousand dollars for the use of the City Hospital, to be expended by the steward ; approved January 2, 1851.

117. An ordinance for the improvement of Kearny street, from Broadway to Pacific ; approved January 2, 1851.

118. An ordinance relative to the streets of Mission Dolores ; approved January 2, 1851.

119. An ordinance appropriating three thousand and five hundred dollars for opening Battery street ; approved January 8, 1851.

120. An ordinance making audited bills bear interest, etc. ; approved January 8, 1851.

121. An ordinance providing for the salary of the Mayor's Clerk ; approved January 8, 1851.

122. An ordinance for the salary of the Mayor ; approved January 8, 1851.

123. An ordinance authorizing the planking of Broadway, from Ohio to Battery street ; approved January 8, 1851.

125. An ordinance calling an election to fill vacancies in the Common Council ; approved January 8, 1851.

126. An ordinance directing the City Surveyor to number lots, etc. ; approved January 20, 1851.

127. An ordinance granting further powers to the Commissioners of the Sinking Fund ; approved January 20, 1851.

128. An ordinance providing for the salary of the Aldermen ; passed by two-third vote, January 21, 1851.

129. An ordinance defining the duties of City Sexton, and regulating interments ; approved January 22, 1851.

130. An ordinance accepting the services of First California Guards on the occasion of fires ; approved January 24, 1851.

131. An ordinance authorizing the Comptroller to issue certificates, etc. ; approved January 29, 1851.

132. An ordinance establishing the rates of wharfage to be charged by the wharfinger on the city wharves ; approved February 6, 1851.

133. An ordinance to prevent gambling in the streets ; approved February 6, 1851.

135. An ordinance to amend an ordinance organizing a Health Department ; approved February 6, 1851.

136. An ordinance creating the office of Clerk to the City Marshal ; approved February 6, 1851.

137. An ordinance for the improvement of First and Battery streets ; approved February 6, 1851.

138. An ordinance to appoint an Inspector of Markets ; approved February 6, 1851.

141. An ordinance for the improvement of Montgomery street, and others, ; approved February 24, 1851.

142. An ordinance to reserve a public slip between Pacific and Vallejo streets ; approved February 24, 1851.

143. An ordinance relative to the grading of Taylor and Mason streets ; approved February 28, 1851.

144. An ordinance for the improvement of Center street ; approved March 5, 1851.

145. An ordinance providing for an Apothecary to the City Hospital ; approved March 3, 1851.

146. An ordinance regulating the payment of bills of the City Hospital ; approved March 5, 1851.

147. An ordinance to amend an ordinance providing a Health Department ; approved March 14, 1851.

148. An ordinance authorizing the improvement of Jackson street, between Sansome and Front ; approved March 14, 1851.

149. An ordinance providing for the payment of the Howard Engine House ; approved April 7, 1851.

151. An ordinance prohibiting hawking and peddling in the streets ; approved April 7, 1851.

152. An ordinance providing for the collection of assessments ; approved April 14, 1851.

153. An ordinance appointing time, etc., for holding election for city officers ; approved April 17, 1851.

154. An ordinance authorizing the Chief Engineer to advertise for proposals for building an engine house in Merchant street for Company No. 5 ; approved April 18, 1851.

155. An ordinance to amend an ordinance appointing an Inspector of Markets ; passed by two-third vote, April 21, 1851.

156. An ordinance for the relief of the City Hospital ; approved April 22, 1851.

157. An ordinance appropriating eight hundred dollars to purchase bells for the City Hall ; approved April 22, 1851.

160. An ordinance for the collection of wharfage ; approved April 30, 1851.

161. An ordinance authorizing John W. Geary to execute an indemnity bond ; approved May 3, 1851.

162. An ordinance to pay John Cotter, steward of the City Hospital ; approved May 12, 1851.

163. An ordinance relative to the City Hall ; approved May 22, 1851.

164. An ordinance relative to volunteer Police ; approved May 26, 1851.

165. An ordinance relative to corporation carts, etc. ; approved May 26, 1851.

166. An ordinance for the relief of insane persons ; approved May 30, 1851.

168. An ordinance for the introduction of salt water into the city of San Francisco ; approved June 11, 1851.

169. An ordinance regulating and authorizing the issue of licenses ; approved June 30, 1851.

170. An ordinance creating the office of Clerk of the Common Council ; approved June 30, 1851.

171. An ordinance for the exemption from taxation of United States property ; approved June 30, 1851.

172. An ordinance appropriating five thousand dollars to the subsistence department of the City Hospital ; approved July 5, 1851.

173. An ordinance making the annual appropriations for every branch and object of city expenditure for the fiscal year ending the 30th day of June, 1852 ; approved July 7, 1851.

174. An ordinance fixing the salaries of the city officers ; approved July 14, 1851.

175. An ordinance relative to the spring at the head of Sacramento street ; approved July 16, 1851.

176. An ordinance creating the office of Fire Wardens, and providing other means for the prevention and extinguishment of fires ; approved July 16, 1851.

177. An ordinance for regulating the Police Department ; approved July 21, 1851.

178. An ordinance abolishing the City Hospital and the Board of Health ; approved July 28, 1851.

179. An ordinance fixing the salaries of the Commissioners of the Funded Debt of the city of San Francisco ; approved August 11, 1851.

180. An ordinance regulating the salaries of certain persons in the employ of the city ; approved August 11, 1851.

180. An ordinance amendatory to an ordinance creating the office of Fire Wardens, etc. ; approved August 25, 1851.

182. An ordinance providing for the removal of the insane patients, and for the expenses of the same ; approved August 28, 1851.

183. An ordinance as to contract with the State Marine Hospital, for the care of the sick of the city ; approved August 29, 1851.

185. An ordinance to amend an ordinance regulating and authorizing the issue of licenses ; approved September 12, 1851.

186. An ordinance abolishing the office of City Sexton ; approved September 12, 1851.

187. An ordinance relative to all city printing, and authorizing the contracting for the same ; approved September 19, 1851.

188. An ordinance relative to the mode of repairing streets ; approved September 22, 1851.

189. An ordinance for the establishment, regulation and support of free common schools in and for the city of San Francisco ; approved September 25, 1851.

190. An ordinance relative to the grading and improvement of streets ; approved September 25, 1851.

191. An ordinance for the special tax for the support of free common schools ; approved September 25, 1851.

192. An ordinance authorizing the Tax Collector to receive warrants issued since 1st May, 1851, for licenses ; approved October 3, 1850.

193. An ordinance for the election of Aldermen in the fourth and fifth wards ; approved October 3, 1851.

194. An ordinance for the collection of city taxes ; approved October 10, 1851.

195. An ordinance to facilitate the collection of taxes ; approved October 10, 1851.

196. An ordinance for the relief of the State Marine Hospital ; approved October 10, 1851.

197. An ordinance creating a City Hospital Department ; approved October 10, 1851.

198. An ordinance re-organizing the Fire Department ; approved October 20, 1851.

199. An ordinance to amend an ordinance entitled an ordinance regulating and authorizing the issue of licenses, approved June 30, 1851 ; approved October 20, 1851.

201. An ordinance appropriating twelve hundred dollars for the Sansome Hook and Ladder Company ; approved November 7, 1851.

202. An ordinance for the extension of streets and construction of wharves ; approved November 7, 1851.

203. An ordinance for an election in the third and seventh wards ; approved November 25, 1851.

204. An ordinance authorizing Messrs. Perry and Dexter, and their associates, to establish lamp posts and lamps for lighting the streets of the city ; approved November 28, 1851.

205. An ordinance fixing the salary of the Clerk of the Common Council ; approved December 9, 1851.

206. An ordinance for the relief of Philip Hinckle and other street contractors, and their assigns ; approved December 9, 1851.

207. An ordinance for the relief of A. C. Peachy ; approved December 16, 1851.

208. An ordinance repealing ordinance No. 177, entitled for regulating the Police Department ; approved January 13, 1851.

209. An ordinance for the re-organization of the Police Department ; approved January 13, 1852.

210. An ordinance making further appropriations of money ; approved January 26, 1852.

211. An ordinance making further appropriations of money ; approved January 26, 1852.

212. An ordinance authorizing the Chief Engineer of the Fire Department to purchase hose and advertise for sealed proposals to build cisterns ; approved January 29, 1852.

213. An ordinance ordering an election in the first ward ; approved February 12, 1852.

214. An ordinance locating slaughter-houses, yards, pens, corrals, etc., for enclosing beeves, sheep, swine, and other animals ; approved February 19, 1852.

215. An ordinance giving further instructions to the City Comptroller ; approved February 12, 1852.

216. An ordinance authorizing the holders of property to pay for the grading, planking, sewerage and repairing of streets, with city scrip, etc., and for the appointment of commissioners to examine the same ; approved February 20, 1852.

217. An ordinance authorizing the Mayor to install a citizen police ; approved March 10, 1852.

218. An ordinance appropriating twelve hundred dollars for the relief of California Engine Company No. 4 ; approved March 15, 1852.

219. An ordinance authorizing Ferdinand Chauviteau and others to grade a portion of Montgomery street, between Broadway and Vallejo street ; approved March 15, 1852.

220. An ordinance authorizing the Collector of Street Assessments to receive all evidences of indebtedness against the city for street assessments, and authorizing the City Tax Collector to receive scrip and audited bills in payment of taxes now due ; approved March 17, 1852.

221. An ordinance concerning the construction of sidewalks and awning posts ; approved March 22, 1852.

222. An ordinance amendatory to an ordinance No. 215, entitled, Providing a Health Department ; approved March 22, 1852.

223. An ordinance relative to paying George Gordon ; approved March 26, 1852.

224. An ordinance authorizing the City Attorney to employ associate counsel ; approved March 26, 1852.

226. An ordinance regulating and authorizing the issue of licenses ; approved March 30, 1852.

228. An ordinance to prohibit bull-fights within certain limits, and for the better observance of the Sabbath ; approved April 6, 1852.

229. An ordinance instructing the Tax Collector to sell property for unpaid taxes ; approved May 12, 1852.

230. An ordinance to amend ordinance No. 226, entitled, Regulating and authorizing the issue of licenses ; approved April 12, 1852.

231. An ordinance for the relief of insane persons ; approved May 19, 1852.

232. An ordinance relative to sewers ; approved May 22, 1852.

233. An ordinance fixing the fire limits of the city, and providing for the appointment of Fire Wardens ; approved May 22, 1852.

236. An ordinance authorizing the construction of cisterns, appropriating one thousand dollars to build an engine house, and authorizing the leasing of a lot to build said house for the Vigilant Engine Company No. 9 ; approved June 7, 1852.

237. An ordinance authorizing the hill in Dolores street to be graded ; approved June 10, 1852.

238. An ordinance appropriating two thousand dollars to celebrate the anniversary of our National Independence ; approved June 17, 1852.

239. An ordinance appropriating five hundred dollars for building sidewalks on the west side of Kearny street, between Clay and Washington streets ; approved July 7, 1852.

241. An ordinance creating the office of Inspector of Licenses and defining his duties ; approved July 6, 1852.

244. An ordinance fixing the salaries of the Commissioners of the Funded Debt of the city of San Francisco for their second year ; approved July, 1852.

245. An ordinance amending ordinance No. 226, entitled "regulating and authorizing the issue of licenses ;" approved July 17, 1852.

250. An ordinance making a new division of the city into wards ; approved July 31, 1852.

252. An ordinance prohibiting the firing of cannon on the Plaza ; approved August 23, 1852.

253. An ordinance relative to improving the squares formed by the junction of streets improved by the owners or holders of lots ; approved September 8, 1852.

254. An ordinance in relation to the salary of the Chief Engineer of the Fire Department ; approved September 8, 1852.

256. An ordinance amending ordinance No. 198, entitled "reorganizing the Fire Department ;" approved September 10, 1852.

258. An ordinance closing dance houses on Sundays ; approved September 16, 1852.

259. An ordinance prohibiting the use of water for private purposes from public cisterns ; approved September 17, 1852.

260. An ordinance amending ordinance No. 254, entitled "in relation to the salary of the Chief Engineer of the Fire Department;" approved September 17, 1852.

261. An ordinance amending ordinance No. 226, entitled "regulating and authorizing the issue of licenses;" approved September 30, 1852.

No part of revised ordinances repealed hereby.

Sec. 2. Nothing herein contained shall be construed to repeal any part of the ordinance entitled "an ordinance to revise, codify and amend the general ordinances of the city of San Francisco, and to reduce the same to one ordinance."

Acts of Ayuntamiento and Town Council repealed.

Sec. 3. No ordinance, law, statute or joint resolution of any Ayuntamiento, or Town Council, of the former pueblo or town of San Francisco, shall be held or considered to be in force in this city, but the same are hereby repealed.

Repeal not to affect vested rights, acts done, or suits pending.

Sec. 4. The repeal of any ordinance by this ordinance shall not affect any act done, or right accrued, or established, or any preceding suit, or prosecution, had or commenced in any case previous to the time when such repeal shall take effect. But every such act, right and proceeding shall remain as valid and effectual as if the ordinance so repealed had remained in force.

Ordinances heretofore repealed and not re-enacted, remain repealed.

Sec. 5. All ordinances and parts of ordinances which were repealed or abrogated by, or were repugnant to, any ordinance hereby repealed, and which have not been re-enacted or consolidated in the Revised Ordinances, shall continue to be so repealed, and shall be deemed abrogated.

Repeal of ordinance not to imply that it was in force.

Sec. 6. The repeal, by this ordinance, of any ordinance shall not be construed as a declaration or implication that such ordinance has been in force subsequent to any former repeal thereof.

Ordinances creating offices which are consolidated in revised ordinances.

Sec. 7. The repeal, by this ordinance, of any ordinance or joint resolution which is consolidated or substantially united in the Revised Ordinances, whereby an office is created, or by virtue whereof any appointment shall have been made, or any office is or shall be held, shall not be construed to vacate such office, or in any way affect such appointment, but the said appointments shall continue and the said offices shall be held subject to the provisions

of the ordinances in force after the repeal of such ordinance or resolution.

Sec. 8. Where any office is abolished by the repeal of any ordinance or resolution, and such ordinance or resolution is not consolidated or substantially re-enacted in the Revised Ordinances, such office shall cease at the time such repeal shall take effect. Ordinances creating offices which are not consolidated in the revised ordinances.

Sec. 9. Where any ordinance, hereby repealed, contains a ratification, confirmation or approval on the part of the corporation, or of the Common Council, or some act, contract, or proceedings before that time, had or taken either by officers of the corporation, or by other parties, such repeal shall in no manner repeal, vacate, weaken or affect such ratification, confirmation or approval. Ordinances ratifying, confirming, or approving.

NATHANIEL HOLLAND,
President of the Board of Assistant Aldermen.

J. H. BLOOD,
President of the Board of Aldermen.

Approved November 4th, 1852.

S. R. HARRIS, Mayor.



ORDINANCES

PASSED BEFORE

AND

NOT REPEALED

BY THE

GENERAL REPEALING ORDINANCE.

ORDINANCES

PASSED BEFORE, AND NOT REPEALED BY THE
GENERAL REPEALING ORDINANCE.

No. 50. Confirming the grant to James Cunningham. James
Cunningham.

The People of the City of San Francisco do ordain as follows :

That an ordinance entitled an ordinance granting certain privileges, of building a wharf, to James Cunningham, passed April eighth, eighteen hundred and fifty, by the then Ayuntamiento of San Francisco, be and the same is hereby ratified, re-enacted and confirmed. Act of Ayuntamiento ratified—
right to build
wharf.

WM. GREENE,
President of the Board of Aldermen.

A. BARTOL,
President of the Board of Assistant Aldermen.

Approved August 23, 1850.

JOHN W. GEARY, Mayor.

No. 60. Authorizing the Central Wharf Company to extend the wharf to deep water. Central Wharf
Company.

The People of the City of San Francisco do ordain as follows :

That the Wharf Company known as the Central Wharf Joint Stock Company, be and are hereby authorized to complete their May extend their
wharf to deep
water.

wharf out to deep water, pursuant to their charter, confirmed to them by the Ayuntamiento, as speedily as possible.

WILLIAM GREENE,
President of the Board of Aldermen.

A. BARTOL,
President of the Board of Assistant Aldermen.

Approved September 22, 1851.

JOHN W. GEARY, Mayor.

G. W. Porter. No. 65. To re-lease to G. W. Porter and others, certain lands.

The People of the City of San Francisco do ordain as follows :

Mayor may
re-lease certain
lands to him.

That the Mayor be, and hereby is, authorized to execute a re-lease to George W. Porter and others, of the right, title and interest of the city of San Francisco to certain city lots in the city of Benicia, according to the petition of said petitioners.

WILLIAM GREENE,
President of the Board of Aldermen.

A. BARTOL,
President of the Board of Assistant Aldermen.

Approved September 21, 1851.

JOHN W. GEARY, Mayor.

James
Cunningham.

No. 68. Authorizing James Cunningham to build Front street, from north side of Vallejo street to Cunningham's wharf.

Resolved, That James Cunningham be, and hereby is, author-

ized to build Front street, from the north side of Vallejo street, to Cunningham's wharf, of a width of twenty-five feet, at his own expense, and to have, in consideration therefor, the right and privilege of collecting wharfage from vessels laying along side, and upon all goods landed upon said street: *Provided*, that the rates to be charged shall not exceed the present rates on other wharves, as per existing ordinances. And that the said Cunningham shall pay monthly into the City Treasury twelve per cent. of the nett proceeds of such collections.

Authorized to build Front street from Vallejo to Cunningham's wharf, and to collect toll.

This privilege shall cease and be only for the same duration as the city grant to said Cunningham, for the construction of Cunningham's wharf, when all shall revert to the city free of charge.

Duration of franchise.

NATHANIEL HOLLAND,
President of the Board of Assistant Aldermen.

J. H. BLOOD,
President of the Board of Aldermen.

Approved February 12, 1852.

S. R. HARRIS, Mayor.

No. 72. To open Dunbar's Alley.

The People of the City of San Francisco do ordain as follows:

Section 1. That the alley, known as Dunbar's Alley, shall be, and the same is hereby ordered, to be opened from Washington street through to Clay street; the alley to be ten feet wide; the expense of opening the same to be paid by the property holders on each side of the alley.

Dunbar's alley opened from Washington street to Clay street. To be ten feet wide. At expense of property holders.

In case the property holders cannot purchase the same at a fair price, then the Street Commissioner is hereby ordered to have the same opened in conformity to the charter; the expense to be paid by the property holders.

If not purchased by property holders, to be opened by Street Commissioner.

WM. GREENE,
President of the Board of Aldermen.

A. BARTOL,
President of the Board of Assistant Aldermen.

Approved, October 21, 1850.

JNO. W. GEARY, Mayor.

(No. 73. To open an Alley-way north of the City Hall.)

The People of the City of San Francisco do ordain as follows :

Alley-way, north of City Hall, to be opened. That the Street Commissioner be, and is hereby authorized to open an alley-way between lot number forty-four, on which City Hall stands, and lot number forty-three, according to the terms and conditions of Hiram Pearson's petition, when the owner of lot number forty-three shall cede in perpetuity, a like right of way to the city.

WM. GREENE,
President of the Board of Aldermen.

A. BARTOL,
President of the Board of Assistant Aldermen.

Approved, October 23, 1850.
JNO. W. GEARY, Mayor.

No. 74. Confirming the Assessment List, &c.

The People of the City of San Francisco do ordain as follows :

Assessment List confirmed. Section 1. That the assessment list for the following streets be, and is hereby confirmed, viz :

Sansome, from Cal'a to Pine.	Sansome street, from California	to Pine street.
Kearny, from Cal'a to Sac'to.	Kearny " "	to Sacramento street.
Battery, from Market to Pine.	Battery " " Market	to Bush "
	" " Bush	to Pine "
Montgomery fr'm Clay to Wash'n.	Montgomery " Clay	to Washington "
Stockton, from Clay to Union.	Stockton " " Washington	to Jackson "
	" " Jackson	to Pacific "
	" " Pacific	to Broadway "
	" " Broadway	to Vallejo "
	" " Vallejo	to Green "
	" " Green	to Union "
Clay, from Kearny to Dupont.	Clay " " Kearny	to Dupont "
	Stockton " " Washington	to Clay "

Sec. 2. That it shall be the duty of the collector of assessments to present, as soon as practicable, to each and every property holder, or his agent, a bill of his proportion of such assessment, and to obtain the payment thereof, without delay.

Collector to
collect without
delay.

WM. GREENE,
President of the Board of Aldermen.

A. BARTOL,
President of the Board of Assistant Aldermen.

Approved, October 23, 1850.

JNO. W. GEARY, Mayor.

No. 75. To open and grade Webb Street.

The People of the City of San Francisco do ordain as follows :

Section 1. That the Street Commissioner be instructed to advertise in the public papers of this city, for ten days, for sealed proposals for the grading and planking of Webb street, from Sacramento to California streets ; the work to be done under his immediate instruction.

Webb street to
be opened,
graded and
planked, from
Sacramento to
California streets.

WM. GREENE,
President of the Board of Aldermen.

A. BARTOL,
President of the Board of Assistant Aldermen.

Approved, October 23, 1850.

JNO. W. GEARY, Mayor.

No. 76. Confirming Assessment Lists of Montgomery Kearny and Sacramento Streets.

The People of the City of San Francisco do ordain as follows :

Section 1. That the assessment list for the improving of Mont-

Assessment list confirmed.
Montgomery, from Washington to Jackson.
Kearny, from Clay to Jackson.
Sacramento, from Montgomery to Kearny.
Collector to collect without delay.

gomery street from Washington street to Jackson street; Kearny street from Clay to Jackson street, and Sacramento street from Montgomery street to Kearny street, be and hereby is confirmed.

Sec. 2. That it shall be the duty of the collector of assessments to present, as soon as practicable, to each and every property holder, or his agent, a bill for his proportion of such assessment, and to obtain the payment thereof without delay.

WM. GREENE,
President of the Board of Aldermen.

A. BARTOL,
President of the Board of Assistant Aldermen.

Approved, October 23, 1850.

JNO. W. GEARY, Mayor.

No. 86. Confirming the Assessment List of Sansome Street, and others.

The People of the City of San Francisco do ordain as follows :

Assessment List confirmed.
Sansome, from Cal'sa to Pine.
Kearny, from Sacramento to Clay.
Kearny, from Jackson to Pacific.
Collector to collect, without delay.

Section 1. That the assessment list for the improvement of Sansome street from California street to Pine street; Kearny street from Sacramento to Clay, and Kearny street from Jackson street to Pacific street be, and the same is hereby confirmed.

Sec. 2. That it shall be the duty of the collector of assessments to present, as soon as practicable, to each and every property holder, or his agent, a bill of his proportion of such assessment, and to obtain the payment thereof, without delay.

WM. GREENE,
President of the Board of Aldermen.

A. BARTOL,
President of the Board of Assistant Aldermen.

Approved, November 5, 1850.

JNO. W. GEARY, Mayor.

No. 88. Releasing John W. Geary from judgments obtained against him in his individual capacity, whilst acting in his official capacity as First Alcalde.

The People of the City of San Francisco do ordain as follows :

Section 1. That the city of San Francisco assume the judgment, in the case of E. D. Heatly and others *v.* John W. Geary, which has been obtained against him in his individual capacity, for the sum of two thousand eight hundred and seventy-five dollars, for damages alleged to have accrued to them by the destruction of a house, &c., belonging to plaintiff, by the order of said Geary, defendant, whilst in the discharge of his duty as First Alcalde, at the conflagration on the twenty-fourth of December, eighteen hundred and forty-nine.

Judgment,
Heatly *v.* Geary,
two thousand
eight hundred
and seventy-five
dollars, assumed
by the city.

Sec. 2. That the city of San Francisco assume the judgment, in the case of Soroco and Brothers *v.* John W. Geary, which has been obtained against him in his individual capacity for the sum of seven thousand five hundred dollars, for damages alleged to have accrued to them by the destruction of a house, &c., belonging to plaintiffs by the order of said Geary, defendant, whilst in the discharge of his duty as First Alcalde, at the conflagration, on the twenty-fourth of December, eighteen hundred and forty-nine.

Judgment,
Soroco and
Brothers *v.*
Geary, assumed
by the city.

Sec. 3. That the City Attorney be and is hereby authorized and instructed to enter appeals in the above named judgments.

City Attorney
directed to
appeal.

WM. GREENE,
President of the Board of Aldermen.

A. BARTOL,
President of the Board of Assistant Aldermen.

Approved, November 6, 1850.

JNO. W. GEARY, Mayor.

Plank road to
Mission Dolores.

No. 91. Authorizing the building of a Plank Road to the Mission of Dolores.

Termini of road. *Whereas*, It is very important to the interests of the city that one of the streets, either Mission or Market street, together with the street or streets leading from California street, where it intersects with Kearny street. to such intersection as may be preferred, with one or the other of the first named streets, to the Mission Dolores, should be well and substantially planked, an improvement that would greatly conduce to the prosperity of this city and the pleasure of its inhabitants: *And Whereas*, the city, in consequence of the various improvements in which she has been, and is still, engaged, is not in a condition to embark in this improvement; and it being represented to the city government that one Charles L. Wilson, a gentleman well and favorably known to many of its members, is willing to undertake said improvement, and to complete the same in manner and form and upon the conditions hereinafter specified; therefore,

The People of the City of San Francisco do ordain as follows:

Charles L. Wilson to have exclusive privilege of building the road. That the said Charles L. Wilson, or his assigns, shall have the sole and exclusive privilege of building a Plank Road between the termini before designated on either of the streets mentioned, which he or his assigns may prefer; *Provided*, however, that the said road or work shall be planked twenty-five feet wide, and to be located in the centre of the street that may be selected; that the said improvement shall be constructed of three inch plank, firmly secured to stringers or sleepers, properly graded; *And Provided*, furthermore, that the said road shall be completed within six months from the passage of this ordinance, and shall, seven years thereafter, be surrendered or delivered over to said city in good order, by said Wilson or his assigns.

Width of road.

How built.

Time of construction.

To be delivered to the city in seven years.

In consideration of all which,

The People of the City of San Francisco do furthermore ordain as follows:

Grant of franchise.

That the said Charles L. Wilson, or his assigns, shall have the liberty or franchise of holding the improvements before described, between the termini designated, and shall have, use and enjoy the same, together with the space between the side walks, for the

space of seven years, taking for the use of it by the public, such Table of tolls.
tolls as are herein specified :

For horse, mule, ass and rider, twenty-five cents.

For each led or drove horse, mule or ass, ten cents.

For each vehicle drawn by horse, mule, ass, or ox, fifty cents.

For each vehicle drawn by two horses, mules, or oxen, seventy-five cents.

For an extra vehicle, twenty five cents.

For a coach or wagon, drawn by four or more horses, mules, or oxen, one dollar. This charge is to be diminished ten cents, if such carriage be drawn by three horses, mules, or oxen.

For drove cattle, ten cents each.

For each animal with a pack or packs, twenty cents.

For sheep or hogs, or other animals, five cents each.

The People of the City of San Francisco do furthermore ordain:

That the police laws of the city which now are, or may be, in Police laws extended to plank road.
force, for the preservation, protection, good order and general po-
lice of the streets of this city, shall equally extend to this proposed
improvement.

The People of the City of San Francisco do furthermore ordain:

That after the said improvements shall be completed, any person Penalty for refusal to pay toll.
refusing to pay the tolls before specified, or in any manner evade
the payment thereof, shall, for each offence, pay a penalty of one
hundred dollars, to be recovered before any Justice of the Peace In what court, and by whom suit brought.
of said city upon the usual summons, in the name of the toll gath-
erer of said road, and for the use and benefit of the owner or own-
ers of said road, and that the said toll gatherer shall be a competent Toll gatherers may be witness.
witness against the defendant or defendants, in such proceedings.

WILLIAM GREENE,
President of the Board of Aldermen.

A. BARTOL,
President of the Board of Assistant Aldermen.

This ordinance passed the Board of Aldermen on the eighteenth day of November, eighteen hundred and fifty, by a constitutional vote, notwithstanding the objections of the Mayor.

JOHN B. BISPHAM, Clerk.

Passed by a two-third vote in the Board of Assistant Aldermen, on the fifteenth day of November, eighteen hundred and fifty.

No. 92. Authorizing the Street Commissioner to open
a street called Merchant Street.

The People of the City of San Francisco do ordain as follows :

Merchant street
to be opened
from Mont-
gomery street
to Portsmouth
Square.

Section 1. That a new street to be called Merchant Street, shall be and the same is hereby ordered to be opened, commencing on Montgomery street and running through to Portsmouth Square, on a line parallel with the southern boundary line of a fifty vara lot, number twenty (20).

Twenty-nine feet
wide.
At expense of
property holders,
except Crescent
House.

Sec. 2. The street to be twenty-nine feet wide, or thereabouts ; the same to be at the expense of the property holders, with the exception of one hundred and thirty-seven and a half feet, embracing the ground and buildings known as the Crescent City House. The Street Commissioner is hereby authorized to take the necessary steps provided by the charter to open said street : *Provided*, the cost of the same to the city shall not exceed twenty-five thousand dollars.

Expense to the
city not to exceed
twenty-five
thousand dollars.

WM. GREENE,
President of the Board of Aldermen.

A. BARTOL,
President of the Board of Assistant Aldermen.

We hereby certify that the above ordinance, having been returned to the Common Council, by his Honor the Mayor, without his approval, was re-considered, and passed by a constitutional vote, in accordance with the provisions of the charter, November 18, 1850.

JNO. B. BISPHAM,
Clerk of the Board of Aldermen.

W. A. GROVER,
Clerk of the Board of Assistant Aldermen.

San Francisco, November 18, 1850.

No. 96. Confirming the Assessment List of Kearny Street from Sacramento to California Streets.

The People of the City of San Francisco do ordain as follows :

Section 1. That the assessment list for the improving of Kearny street from Sacramento street to California street, be and is hereby confirmed. Assessment list confirmed. Kearny street, from Sacramento to California.

Sec. 2. That it shall be the duty of the collector of assessments to present, as soon as practicable, to each and every property holder, or his agent, a bill of his assessment thereon, and to collect the amount without delay. Collector of assessments to collect, without delay.

WM. GREENE,
President of the Board of Aldermen.

A. BARTOL,
President of the Board of Assistant Aldermen.

Approved, November 15, 1850.

JNO. W. GEARY, Mayor.

No. 108. Confirming the improvements of Broadway and Stockton Streets.

The People of the City of San Francisco do ordain as follows :

Section 1. That the assessment list for the grading of Broadway from Ohio street to Battery street ; the grading and sewerage of Stockton street from Union street to Filbert street, and the sewerage of Stockton street from Clay street to Washington street, be and is hereby confirmed. Assessment list confirmed. Broadway, from Ohio to Battery. Stockton, from Union to Filbert. Stockton, from Clay to Washington.

Sec. 2. That it shall be the duty of the collector of assessments to present, as soon as practicable, to each and every property holder, or his agent, a bill of his assessment thereon, and to collect the amount without delay. Collector to collect, without delay.

perty holder, or his agent, a bill of his proportion of such assessment, and to obtain the payment thereof without delay.

WM. GREENE,
President of the Board of Aldermen.

A. BARTOL,
President of the Board of Assistant Aldermen.

Approved, December 20, 1850.

JNO. W. GEARY, Mayor.

No. 124. Confirming the improvements on Broadway and Stockton Streets.

The People of the City of San Francisco do ordain as follows :

Assessment list
confirmed.
Broadway, from
Battery street
to the water.
Stockton, from
Filbert to
Greenwich

Section 1. That the assessment list for the improvement of Broadway from Battery street to the water, and Stockton street from Filbert street to Greenwich street, be and the same is hereby confirmed.

Collector to
collect, without
delay.

Sec. 2. That it shall be the duty of the collector of assessments to present, as soon as practicable, to each and every property holder, or his agent, a bill of his proportion of such assessment, and to obtain the payment thereof without delay.

WM. GREENE,
President of the Board of Aldermen.

L. T. WILSON,
President, pro tem. of the Board of Assistant Aldermen.

Approved, January 8, 1851.

WM. GREENE, Acting Mayor.

No. 134. To confirm the grading of Taylor, Mason and Bush Streets.

The People of the City of San Francisco do ordain as follows :

Section 1. That the assessment list for the grading of Taylor and Mason streets from Lombard street to the water's edge, and for the grading and planking of Bush street from Battery street to Sansome street, be and hereby is confirmed.

Assessment list confirmed. Taylor and Mason, from Lombard street to the water. Bush, from Battery to Sansome.

Sec. 2. That it shall be the duty of the collector of assessments to present, as soon as practicable, to each and every property holder, or his agent, a bill of his proportion of such assessments, and to obtain the payment thereof without delay.

Collector to collect, without delay.

WM. GREENE,
President of the Board of Aldermen.

A. BARTOL,
President of the Board of Assistant Aldermen.

Approved, February 6, 1851.

WM. GREENE, Acting Mayor.

No. 139. Confirming the Assessment List of Francisco Street.

The People of the City of San Francisco do ordain as follows :

Section 1. That the assessment list for the grading of Francisco street from Stockton street to Powell street, be and hereby is confirmed.

Assessment list confirmed. Francisco street, from Stockton to Powell.

Sec. 2. That it shall be the duty of the collector of assessments to present, as soon as practicable, to each and every prop-

Collector to collect, without delay.

erty holder, or his agent, a bill of his proportion of such assessment, and to obtain the payment thereof without delay.

WM. GREENE,
President of the Board of Aldermen.

A. BARTOL,
President of the Board of Assistant Aldermen.

Approved, February 24, 1851.

JNO. W. GEARY, Mayor.

No. 140. Confirming improvements on Sansome Street.

The People of the City of San Francisco do ordain as follows :

Assessment list confirmed. Sansome, from Jackson to Broadway.

Section 1. That the assessment list for the grading, sewerage and planking of Sansome street from Jackson street to Broadway, be and hereby is confirmed.

Collector to collect, without delay.

Sec. 2. That it shall be the duty of the collector of assessments to present, as soon as practicable, to each and every property holder, or his agent, a bill of his proportion of such assessment, and to obtain the payment thereof without delay.

WM. GREENE,
President of the Board of Aldermen.

A. BARTOL,
President of the Board of Assistant Aldermen.

Approved, February 24, 1851.

JNO. W. GEARY, Mayor.

No. 141. For the improvement of Montgomery Street and others.

The People of the City of San Francisco do ordain as follows :

Section 1. That the assessment list for the improvement of Montgomery street, from Jackson street to Pacific street ; Dupont street, from Broadway to Green street ; and Stockton street, from Chesnut street to Greenwich street, be and the same is hereby confirmed.

Assessment list confirmed.
Montgomery, from Jackson to Pacific.
Dupont, from Broadway to Green street.
Stockton, from Chesnut to Greenwich st.

Sec. 2. That it shall be the duty of the collector of assessments to present, as soon as practicable, to each and every property holder, or his agent, a bill of his proportion of such assessment, and to obtain the payment thereof, without delay.

Collector to collect, without delay.

WM. GREENE,
President of the Board of Aldermen.

A. BARTOL,
President of the Board of Assistant Aldermen.

Approved, February 24, 1851.

JNO. W. GEARY, Mayor.

No. 149. Confirming the Assessment List of Sansome Street from Pine Street to Bush Street.

The People of the City of San Francisco do ordain as follows :

Section 1. That the assessment list for the grading and plank-ing of Sansome street from Pine street to Bush street, be and hereby is confirmed.

Assessment list confirmed.
Sansome, from Pine to Bush.

Sec. 2. That it shall be the duty of the collector of assessments to present, as soon as practicable, to each and every prop-

Collector to collect, without delay.

erty holder, or his agent, a bill of his proportion of such assessment, and to obtain the payment thereof without delay.

WM. GREENE,
President of the Board of Aldermen.

L. T. WILSON,
President of the Board of Assistant Aldermen.

Approved, March 14, 1851.

JNO. W. GEARY, Mayor.

No. 158. For the confirmation of the assessment of
First Street and others.

The People of the City of San Francisco do ordain as follows :

Assessment list confirmed.
First, from Mission to Battery.
Bush, from Sansome to Mont'y.
Stockton, from Greenwich to Chesnut street, and from Francisco street to water-side. Broadway, from Battery to waterside.
Collector to collect, without delay.

Section 1. That the assessment list for the improvement of First street from Mission street to Battery street; Bush street from Sansome street to Montgomery street; Stockton street from Greenwich street to Lombard street, and from thence to Chesnut street, and from Francisco street to the water, and Broadway from Battery to the water, be and is hereby confirmed.

Sec. 2. That it shall be the duty of the collector of assessments to present, as soon as practicable, to each and every property holder, or his agent, a bill of his proportion of such assessment, and to obtain the payment thereof without delay.

WM. GREENE,
President of the Board of Aldermen.

L. T. WILSON,
President of the Board of Assistant Aldermen.

Approved, April 22, 1851.

JNO. W. GEARY, Mayor.

No. 159. Establishing the grade of Battery Street, between Broadway and Green Streets.

The People of the City of San Francisco do ordain as follows :

That the grade, as fixed upon by the County Surveyor, William M. Eddy, for Battery street, between Broadway and Green street, according to the profile filed in his office, be and hereby is declared to be the established city grade of that street, between the points specified.

Battery street,
grade established
from Broadway
to Greene.

WM. GREENE,
President of the Board of Aldermen.

L. T. WILSON,
President of the Board of Assistant Aldermen.

Approved, April 30, 1851.

JOHN W. GEARY, Mayor.

No. 167. Granting to Azro D. Merrifield, or his assigns, the privilege of introducing into the city, Pure Fresh Water.

Azro D. Merrifield.

The People of the City of San Francisco do ordain as follows :

Section 1. That Azro D. Merrifield, or his assigns, be and are hereby authorized to lay down pipes through the streets of the city of San Francisco, for the conveyance of pure fresh water, for the term of twenty-five years, upon conditions hereinafter named. The said pipes to be laid from a reservoir constructed so as to contain not less than one million of gallons, and at an elevation of not less than fifty (50) feet above the intersection of Clay and Dupont streets, and that the pipes leading from said reservoir shall be equal to the discharge of said one million of gallons every twenty-four hours.

May lay pipes in the streets, for twenty-five years.

Reservoir to contain one million gallons, and to be fifty feet above Clay and Dupont streets. The pipes to discharge one million gallons in twenty-four hours.

Sec. 2. Said Azro D. Merrifield, and his assigns, shall have the liberty of receiving from the inhabitants of the city of San

Rates to be fixed by commissioners.

How and when appointed. Francisco, who may elect to take such water, rates of compensation to be fixed by a board of three commissioners, to be appointed annually by the Common Council. The first appointment of said commissioners to be made at the first regular meeting in the month of January, eighteen hundred and fifty-three, (1853,) or sooner, if the works are completed. The said commissioners to receive a salary from the city which shall be established by the said Common Council at the time of their appointment.

Salaries.

Streets to be left in good condition. Sec. 3. Said Azro D. Merrifield, and his assigns, shall, in all cases, replace the planking of the streets, and replace the earth of the streets not planked, after laying down the pipes, and shall leave them in as good condition as he finds them.

City entitled to free use of water for fires and public purposes. Sec. 4. The corporate authorities of the city of San Francisco shall be entitled to the use of the water for the purpose of extinguishing fires, and for hospital and prison purposes, without charge; and the said Common Council shall have the power, under the directions of the Mayor and Chief Engineer, to tap the pipes and connect the same with hydrants, at such places as they may deem proper; and in case they shall require water for any other purpose, the Commissioners provided for in section two, of this ordinance, shall fix the rate of charge in the manner therein provided.

May tap pipes.

For other purposes to pay rates.

No exclusive privilege granted. Sec. 5. Nothing herein contained shall be construed as granting an exclusive privilege to said Azro D. Merrifield, or assigns, or any other party. *Also, Provided*, that nothing herein contained shall be so construed, as in any manner to recognize the claim or title of any person or persons to the Spring or Lake from which the water may be brought, by the said Merrifield, or to the land immediately around the same, or through which the pipes may be laid, from said Lake or Spring to the city.

This grant not to impair the title of any land

At the expiration of twenty-five years from January 1, 1853, the water works to be deeded to the city. Sec. 6. *Provided further*, that at the expiration of twenty-five (25) years, after the first day of January, eighteen hundred and fifty-three, (1853,) the Water Works entire shall be deeded to the city of San Francisco, by the said Azro D. Merrifield, and his assigns and associates, in consideration of the privileges and benefits that may accrue to the said Azro D. Merrifield, his assigns and associates, during such term of twenty-five years, from the aforesaid first of January, eighteen hundred and fifty-three, (1853,) or to date from time of completion, provided, it be sooner.

Sec. 7. The said Azro D. Merrifield, or his assigns, shall give Bond for performance. good and sufficient bonds in the sum of fifty thousand dollars, to the city of San Francisco, within thirty days after the passage of this ordinance, to be approved by the Mayor and Presidents of both Boards of Aldermen, that the said works shall be completed on or before the first day of January, eighteen hundred and fifty-three (1853).

R. S. DORR,
President of the Board of Aldermen.

JOSEPH F. ATWILL,
President of the Board of Assistant Aldermen.

Approved June 11, 1851.

C. J. BRENHAM, Mayor.

No. 184. Regulating the width of Front Street.

The People of the City of San Francisco do ordain as follows :

Section 1. That Front street, north of Pacific street, shall be Front street. of the same width as it now is, south of Pacific street wharf. Width established.

JOSEPH F. ATWILL,
President of the Board of Assistant Aldermen.

GEO. ENDICOTT,
President, pro tem., Board of Aldermen.

Approved, September 8, 1851.

C. J. BRENHAM, Mayor.

No. 200. For the opening of Mission Street, from Centre Street to the termination of the city limits.

The People of the City of San Francisco do ordain as follows :

That Mission street, from Centre street to the outside limits of Mission street, opened from Centre street to city limits. the city, be and is hereby declared open, and that the Street Com-

missioner be and is hereby instructed to take the proper measures for opening the same. *Provided, however,* no charge for the same shall be made against the city.

JOSEPH F. ATWILL,
President of the Board of Assistant Aldermen.

WM. GREENE,
President of the Board of Aldermen.

Approved, November 7, 1851.

CHARLES J. BRENHAM, Mayor.

No. 225. Authorizing Charles B. Marvin and Ferdinand Vassault to open Davis Street, from Jackson to Pacific Street.

The People of the City of San Francisco do ordain as follows :

Marvin and Vassault may open Davis street from Jackson to Pacific.
Twenty-five feet wide.

Section 1. That Charles B. Marvin and Ferdinand Vassault, be and are hereby authorized to build Davis street from and between Jackson and Pacific streets, of a width of twenty-five feet, at their own cost and expense.

May collect wharfage for 4 years.

Sec. 2. That the parties named in the first section be allowed to collect wharfage upon said street, for the term of four years from the approval of this ordinance ; said rates of wharfage not to exceed those allowed to be charged on other wharves by ordinance, they paying into the city treasury, monthly, twelve per cent. of the gross receipts.

At the end of term to revert to city.

Sec. 3. At the expiration of the term named in section two, said street shall be turned over to the city, free of cost, and in good condition.

NATHANIEL HOLLAND,
President of the Board of Assistant Aldermen.

J. H. BLOOD,
President of the Board of Aldermen.

Approved March 26, 1852.

S. R. HARRIS, Mayor.

No. 227. To ascertain and prosecute Land Claims
before United States Commissioners.

The People of the City of San Francisco do ordain as follows :

Section 1. That the Mayor, and two members to be elected from each Board of Aldermen, shall constitute a committee, to be and are hereby authorized, for and in behalf of said city, to take and institute all necessary steps and proceedings to properly ascertain, discover and investigate any and all lands, and claims to any lands, that said city may have, or by any law, right, or authority, or in any way whatsoever be legally entitled to, and to present and prosecute the same in such manner as, under the advice of counsel may be deemed most advisable, to secure and maintain title thereto, under the provisions of the act of Congress, entitled "An Act to ascertain and settle the Private Land Claims in the State of California," approved March 3d, 1851, before the Land Commissioners appointed under said act, and if necessary, in the Courts of the United States, and to procure therefor, from the proper authorities, all necessary patents or conveyances.

Mayor and two from each Board constitute committee to investigate land titles of city. To prosecute same before U. S. Com'rs and in U. S. Courts.

Sec. 2. To assist in successfully carrying out the intent and objects of this ordinance, the committee aforesaid are authorized and empowered to retain and employ such counsel as they may deem necessary for the purposes aforesaid.

May employ counsel.

Sec. 3. That said committee prepare a memorial to the general government, in the name of the corporate authorities of this city, to be forwarded by the Board of Land Commissioners to the Department of the Interior, urging upon the government a release to the city of San Francisco of all lands embraced within an area equal to an area of four leagues square, running south from the Presidio, and lying between the bay and the sea, making a special proviso and reservation in favor of any lands held by valid grants under the former government, or by occupation and improvement made prior to the passage of this ordinance, and these to be subject to such principles of law and equity as the government may find applicable or specially appoint.

To prepare memorial to General Government for release of four leagues square, running south from Presidio.

Sec. 4. To meet any incidental expenses that it may be necessary to make for surveys, obtaining evidence and documents, or otherwise, and for procuring counsel, there is hereby appropriated

\$5,000 appropriated.

from and out of the Judiciary Fund of the city, subject to the order and disposition of said committee, the sum of five thousand dollars.

NATH. HOLLAND,
President of the Board of Assistant Aldermen.

J. H. BLOOD,
President of the Board of Aldermen.

Approved March 30, 1852.

S. R. HARRIS, Mayor.

No. 234. Authorizing the purchase, in connection with the County of San Francisco, of the Jenny Lind Theatre and Parker House property, for City and County purposes.

The People of the City of San Francisco do ordain as follows :

Section 1. That the Mayor, with the Judiciary Committee of both Boards of Aldermen, be and are hereby authorized and instructed, in connection with the County of San Francisco, to purchase the property known as the Jenny Lind Theatre and Parker House in said city, at a cost not exceeding two hundred thousand dollars, to be converted into a City Hall, upon said committee being satisfied of the validity of the titles of said premises; *Provided*, that the city, for its share of the purchase, do not pay, or become liable to pay, a sum exceeding one hundred thousand dollars.

Mayor, in connection with Judiciary Committee of both Boards, authorized to purchase Jenny Lind Theatre and Parker House, in connection with the County. Cost not to exceed \$200,000 for City Hall. City not to pay over \$100,000.

NATHANIEL HOLLAND,
President of the Board of Assistant Aldermen.

J. H. BLOOD,
President of the Board of Aldermen.

I hereby certify the above to be a true copy of an ordinance passed the Common Council by a constitutional vote, finally, June 4th, 1852, notwithstanding the objections of His Honor the Mayor.

R. C. PAGE,
Clerk of the Common Council.

No. 240. Authorizing the numbering of houses and affixing the names of the streets at the various crossings.
Numbering of houses and affixing the names of streets.

The People of the City of San Francisco do ordain as follows :

Section 1. There shall be a uniform system of numbering within the fire limits of the city, beginning at the water front and running back to the boundary of said limits, and on the streets running at right angles from north to south, within said limits, there shall also be affixed at the various crossings, in the thickly settled portions of said limits, the names of the streets: *Provided*, the plans shall be fixed by the committee on ordinances, from both wards of Aldermen, and carried into effect in manner as hereinafter prescribed.
Numbers to begin at the water front and running back.
 Names of streets to be affixed at the crossings.

Sec. 2. For more effectually carrying out the provisions of this ordinance, Messrs. James M. Parker and Company are hereby authorized to cause to be numbered, on or before the 15th day of July next, upon such plan as may be directed by the committee named in section one, all the houses within said limits, at an expense, when they furnish numbers, of not more than fifty cents each, (upon the parties furnishing their own numbers, no charge shall be made): and they are hereby authorized and empowered to collect from the owner, holder, or occupant of each house, the aforesaid sum of fifty cents. Said James M. Parker and Company shall also cause to be affixed, under the direction of the committee aforesaid, the names of the streets at their intersections, and for the purpose of defraying the expense of painting such names, the sum of four hundred dollars be, and the same is hereby, appropriated out of the contingent fund, to be expended under the direction of the committee aforesaid. The above sum of fifty cents shall be full compensation to said Parker and Company, for arranging maps, painting the numbers, affixing the same, etc.
James M. Parker and Company to number houses.
 To collect from each house fifty cents.
 Four hundred dollars for names of streets.

NATHANIEL HOLLAND,

President of the Board of Assistant Aldermen.

J. H. BLOOD,

President of the Board of Aldermen.

Approved July 6, 1852.

S. R. HARRIS, Mayor.

No. 242. Prohibiting James Cunningham from running dirt cars through Market and Battery Streets.

Recital.
Resolution,
March 10. 1851,
authorizing
Cunningham to
run dirt cars.
The injury there-
from resulting.

Whereas, The Common Council did, by resolution, on the tenth day of March, 1851, authorize James Cunningham to lay rail track and run cars through the streets. In pursuance of which resolution, said Cunningham has, from that date, run cars through Market and Battery streets, to the serious detriment of those doing business upon said streets, as well as wearing out the plank by causing all carts to go upon the west side of said track, therefore,

The People of the City of San Francisco do ordain as follows :

Prohibited from
running dirt cars
after July 1st,
through Market
and Battery
streets.

To remove rails
in fifteen days
thereafter.

Section 1. That from and after the first day of July next, James Cunningham shall not be permitted to run dirt cars through Market east of First street, nor through Battery street, and is hereby required to take up and remove the rails from said streets within fifteen days from the above date, under a penalty of fifty dollars for every day they remain in said streets after the date last above-mentioned.

Repeal of former
ordinances.

Sec. 2. All acts heretofore passed conflicting with the provisions of this ordinance, be and the same are hereby repealed.

NATHANIEL HOLLAND,
President of the Board of Assistant Aldermen.

J. H. BLOOD,
President of the Board of Aldermen.

Approved, July 12, 1852.

S. R. HARRIS, Mayor.

No. 243. Amending ordinance No. 167, granting to Azro D. Merrifield, and his assigns, the privilege to introduce into the city pure fresh water.

The People of the City of San Francisco do ordain as follows :

Section 1. Ordinance No. 167, granting to Azro D. Merrifield, and his assigns, the privilege to introduce into the city pure fresh water, is hereby amended to read as follows: That the Mountain Lake Water Company, the assignees of said Azro D. Merrifield, and their successors and assigns, shall be and are hereby authorized to lay down pipes through the streets of the city of San Francisco for the conveyance of pure fresh water, for the term of twenty years, under and pursuant to an Act of the Legislature of the State of California, entitled "An Act to provide for the incorporation of Water Companies," passed May third, eighteen hundred and fifty-two. The said pipes to be laid from a reservoir, constructed so as to contain not less than one million of gallons, and at an elevation of no less than one hundred feet above tide level; and the pipes leading to and from said reservoir shall be capable of discharging one million of gallons every twenty-four hours.

Mountain Lake Water Company, successors to Azro D. Merrifield. Ordinance amended.

May lay pipes to conduct water for term of twenty years.

Reservoir to contain one million gallons. One hundred feet above tide level. Pipes to discharge one million gallons in twenty-four hours.

Sec. 2. Said Mountain Lake Water Company, and their successors and assigns, shall have the liberty of receiving from the inhabitants of the city of San Francisco, who may elect to take said water, compensation according to rates to be fixed by a Board of five Commissioners, three to be chosen by the Common Council, and two by the said Mountain Lake Water Company. The first election to be had at the first regular meeting of the Common Council, after the completion of said water works, and notice thereof. The commissioners elected by the Common Council, to hold their offices during the pleasure of the Common Council.

Water rates to be fixed by commissioners.

How appointed.

Sec. 3. Said Mountain Lake Water Company shall, in all cases, replace the planking of the streets, and replace the earth of the streets not planked after laying down the pipes, and shall leave the streets in as good condition as they find them.

To replace planking of streets.

Sec. 4. The corporate authorities of the city of San Francisco shall be entitled to the use of the water for the purposes of

City may use water for public purposes.

extinguishing fires, and also for all other purposes, without charge ; but they shall in no case be allowed to sell water. And the said Common Council shall have the power, under the direction of the Mayor and Chief Engineer, to tap the pipes and connect the same with hydrants, at such places as they may deem proper.

Time for completion, Jan. 1, 1854.

Sec. 5. The time within which said work shall be completed, is extended until the first day of January, 1854, provided that said Mountain Lake Water Company shall actually and permanently expend in the prosecution of their works, in good faith, not less than fifty thousand dollars, hereafter and before the expiration of six months from the date of the approval of this ordinance, and at least fifty thousand dollars during every six months thereafter, until the expiration of the term hereby granted as exclusive, otherwise the privilege granted by this ordinance shall be of no effect.

\$50,000 to be expended every six months.

Privilege exclusive for five years from Jan. 1, 1853.

Sec. 6. Upon the full performance by said company of all the requirements of this ordinance, the privilege hereby granted shall be exclusive to said company for the term of five years from the first of January, 1853.

When franchise to expire.

Sec. 7. This ordinance shall expire at such time after the first day of January, 1855, as the said Water Company shall refuse to supply the water to any part of said city, and at such elevation as the Common Council shall declare it expedient that the same should be supplied, or whenever after the completion of said Water Works, the said company shall become unable, or shall fail to supply the city the said one million of gallons of pure and wholesome fresh water during every twenty-four hours.

NATHANIEL HOLLAND,
President of the Board of Assistant Aldermen.

J. H. BLOOD,
President of the Board of Aldermen.

Approved, July 14, 1852.

S. R. HARRIS, Mayor.

No. 246. To effectuate the purchase of an equal undivided one-half of the property known as the Jenny Lind and Parker House property, for a City Hall.

The People of the City of San Francisco do ordain as follows :

Section 1. That upon the proper conveyance of an equal undivided one-half part of the lands and tenements in the city of San Francisco, known as the Jenny Lind and Parker House property, to the city of San Francisco for a City Hall, to be used by the said city as tenants in common with the county of San Francisco, as owners of the other undivided half part of said property being executors, acknowledged and delivered, and being accepted and approved by a majority of the Judiciary Committee of each Board of the Common Council, on the part of said city, the City Comptroller is hereby authorized and instructed to draw warrants upon the City Treasurer for the purchase money of the said undivided one-half part of said property, for the sum of one hundred thousand dollars in manner as hereinafter described, to be countersigned by the Mayor, and delivered to the person or persons making such conveyance.

Proper conveyance being executed and approved by Judiciary Committee, Comptroller to draw warrants for \$100,000.

Sec. 2. That said warrants be drawn, payable in four quarterly instalments, commencing three months from the date of the signing and approval of the Deeds of said property; no warrant to be of a less denomination than one hundred dollars, and to be in form as follows :

To be in four instalments.
Warrants not less than \$100.

BUILDING FUND WARRANT.

Form.

No. — City Comptroller's Office, }
San Francisco, —, 1852. }

City Treasurer,

— months after date, pay to — or bearer,
— dollars, out of appropriation of one hundred and ten thousand dollars, by ordinance, passed July —, 1852.

\$—

Comptroller.

This warrant shall not be receivable for licenses.

NATHANIEL HOLLAND,
President of the Board of Assistant Aldermen.

J. H. BLOOD,
President of the Board of Aldermen.

I hereby certify the above to be an ordinance passed the Common Council finally, July 21st, 1852, by a constitutional vote, notwithstanding the objections of his Honor the Mayor.

JNO. CRANE, Clerk pro tem. of the Common Council.

San Francisco, July 23, 1852.

No. 247. Making appropriations of money for Public Buildings.

The People of the City of San Francisco do ordain as follows :

Section 1. That for the purchase and fitting up of public buildings, the sum of one hundred and ten thousand dollars, be and is hereby appropriated, which appropriation shall be known and designated as the Building Fund.

\$110,000 appropriated for purchase and fitting up of public buildings.

NATHANIEL HOLLAND,
President of the Board of Assistant Aldermen.

J. H. BLOOD,
President of the Board of Aldermen.

I hereby certify the above to be an ordinance passed the Common Council finally, July 21, 1852, by a constitutional vote, notwithstanding the objections of his Honor the Mayor.

JNO. CRANE,
Clerk, pro tem., of the Common Council.

San Francisco, July 23, 1852.

No. 248. Making annual appropriations for every branch and object of city expenditure (when the same has not been heretofore provided for,) for the fiscal year, ending the 30th day of June, eighteen hundred and fifty-three (1853).

The People of the City of San Francisco do ordain as follows :

Section 1. There shall be and is hereby appropriated, for the support and maintenance of the different departments of the City Government (not heretofore provided for) as hereinafter enumerated, for the fiscal year ending the 30th of June, 1853, the following sums :

Appropriations
for year ending
June 30, 1853.

Sec. 2. For the support and maintenance of the Superior and Recorder's Courts, and prosecuting or defending all suits in which the city is interested, the sum of forty thousand dollars, which appropriation shall be known and designated as the Judiciary Fund.

Judiciary Fund.

Sec. 3. For the support and maintenance of the Common Schools in the city of San Francisco, the sum of thirty thousand dollars, which appropriation shall be known and designated as the Common School Fund.

Common School
Fund.

Sec. 4. For the support and maintenance of the Hospital Department of the City Government, the sum of thirty thousand dollars, to be known and designated as the Hospital Department Fund.

Hospital Depart-
ment Fund.

Sec. 5. For the support and maintenance of the Police Department of the City Government, the sum of sixty thousand dollars, which appropriation shall be known and designated as the Police Department Fund.

Police Depart-
ment Fund.

Sec. 6. For the support and maintenance of the Fire Department of the City Government, the sum of fifteen thousand dollars, which appropriation shall be known and designated as the Fire Department Fund.

Fire Department
Fund.

Sec. 7. For the support and maintenance of the Street Department of the City Government the sum of ten thousand dollars, which appropriation shall be known and designated as the Street Department Fund.

Street Depart-
ment Fund.

Liquidation
Fund.

Sec. 8. For the liquidation of all three per cent. city indebtedness of the city of San Francisco, the sum of one hundred and fifty thousand dollars, which appropriation shall be known and designated as the Liquidation Fund.

Contingent
Fund.

Sec. 9. For the support and maintenance of every object and branch of the City Government, not herein or before enumerated, the sum of sixty thousand dollars, to be known and designated as the Contingent Fund.

City Treasurer
to apportion
receipts pro rata.

Sec. 10. It shall be the duty of the City Treasurer to apportion to each fund its pro rata of the moneys received by him, and pay out accordingly.

To record
warrants and
pay in order.

Sec. 11. It shall also be the duty of the City Treasurer to enter in a book, to be kept for that purpose, all evidences of three per cent. indebtedness, and pay in the order of entry on said books, no warrant shall be paid out of any other fund than the one upon which it is drawn.

NATHANIEL HOLLAND,
President of the Board of Assistant Aldermen.

J. H. BLOOD,
President of the Board of Aldermen.

Approved, July 22, 1852.

S. R. HARRIS, Mayor.

No. 249. To provide for lighting the city with Gas.

The People of the City of San Francisco do ordain as follows :

Select Committee
on Gas to adver-
tise for proposals
and execute
contract, subject
to confirmation
by Common
Council.

Section 1. That the Select Committee on Gas, from both Boards of Aldermen, be and are hereby instructed to advertise for proposals to light the city with gas, and to accept such one of said proposals as may seem to them most feasible and advantageous to the city; and to execute a contract, subject to confirmation by the Common Council, for the city in accordance with such proposal.

Said committee shall not have power to bind the city at any given price for a term exceeding five years. Not to exceed five years.

NATHANIEL HOLLAND,
President of the Board of Assistant Aldermen.

J. H. BLOOD,
President of the Board of Aldermen.

Approved, July 30, 1852.

S. R. HARRIS, Mayor.

No. 251. Providing for the construction of Wharves.

The People of the City of San Francisco do ordain as follows :

Section 1. That the Committee on Streets, Public Buildings and Improvements, of both Boards of Aldermen, together with his Honor the Mayor, be and are hereby authorized to advertise for proposals for constructing wharves outside the water front of the city, at the foot of the various streets leading into the bay, upon some plan to be devised by them, by which the contractors shall receive their remuneration from wharfage collected, for a term not exceeding ten years, and accept such proposals as they may deem most advantageous to the interest of the city. Such contracts being subject to the ratification of the Common Council.

NATHANIEL HOLLAND,
President of the Board of Assistant Aldermen.

J. H. BLOOD,
President of the Board of Aldermen.

Approved, August 15, 1852.

S. R. HARRIS, Mayor.

No. 255. For the collection of City Taxes.

The People of the City of San Francisco do ordain as follows :

Assessment roll confirmed.

Section 1. That the assessment roll, made by the City Assessors, be and the same is hereby confirmed.

Collector to collect.

Sec. 2. That the City Tax Collector be authorized to collect forthwith—

1½ per cent. for Funded Debt.

1. The sum of one and one-fourth per cent., for the payment of the interest on the Funded Debt, and fifty thousand dollars as the Sinking Fund, for the redemption of said debt.

1-5 per cent. for schools.

2. The further sum of one-fifth of one per cent., for the support of Free Common Schools.

1 per cent for general municipal purposes.

3. The further sum of one per cent., for general Municipal purposes ; said sums to be collected upon all taxable property on the assessment roll. All taxes shall be paid on or before the first day of November next.

Not paid before October 15, charged one dollar extra.

Sec. 3. All taxes authorized to be collected by this ordinance, are now due, and if not collected and paid on or before the 15th day of October, 1852, all delinquent persons will be charged one dollar extra, on each lot assessed, and proceeded against according to law.

Paid before October 15, deduction of 5 per cent.

Sec. 4. All persons paying taxes prior to the 15th day of October, 1852, shall be entitled to a reduction of five per cent. off the total amount.

Books of Assessors to be kept by Tax Collector.

Sec. 5. The books of the Assessors shall be kept by the City Tax Collector, in his office, subject to the inspection of any person interested as a tax payer.

NATHANIEL HOLLAND,
President of the Board of Assistant Aldermen.

J. H. BLOOD,
President of the Board of Aldermen.

Approved, September 10, 1852.

S. R. HARRIS, Mayor.

No. 257. Opening Harward Street to its junction with Dolores Street.

The People of the City of San Francisco do ordain as follows :

Section 1. That Harward street be and is hereby declared open to its junction with Dolores street ; *provided*, that the expense of survey and all other expenses, be borne exclusively by the property holders desiring the same, and that the survey be made official and according to the general plan of the streets.

Harward street open to its junction with Dolores street.

At expense of owners. Survey how made.

NATHANIEL HOLLAND,
President of the Board of Assistant Aldermen.

J. H. BLOOD,
President of the Board of Aldermen.

Approved, September 10, 1852.

S. R. HARRIS, Mayor.

No. 262. Creating Committee to ascertain the amount due on disputed or litigated claims accrued prior to May 1, 1851.

The People of the City of San Francisco do ordain as follows :

Section 1. That the City Comptroller and the Chairmen of the Judiciary Committees of each Board of Aldermen, shall constitute a Committee for the purpose of examining and ascertaining the amount due from the city, on all disputed or litigated claims, when the consideration of such claims accrued before the 1st of May, 1851.

Committee constituted.

Sec. 2. Said Committee shall report to the Common Council, within thirty days, their opinion on all claims which may be presented to them, with the evidence for and against said claims.

To report within thirty days.

City Attorney
to attend
meetings of
Committee.

Sec. 3. That the City Attorney be and he is hereby requested to attend the meetings of said Committee, and assist in its proceedings when so requested by the Committee.

NATHANIEL HOLLAND,
President of the Board of Assistant Aldermen.

J. H. BLOOD,
President of the Board of Aldermen.

Approved, October 13, 1852.

S. R. HARRIS, Mayor.

No. 263. Authorizing the removal of the dead from
Powell Street and its vicinity.

The People of the City of San Francisco do ordain as follows :

Committee on
Health and
Police may
contract, at
expense not
exceeding
\$3,000.

Section 1. That the Joint Committee on Health and Police, be and they are hereby authorized to enter into a contract, in the name of the city, with responsible parties, for the removal of the dead buried in the old burying ground on Powell street and its vicinity, to the Yerba Buena Cemetery, and for interring the same in a suitable manner, at an expense not to exceed three thousand dollars, (\$3,000).

To be paid from
Contingent
Fund.

Sec. 2. The expense so named, shall be paid from the Contingent Fund, when certified to as correct by a majority of said Committee.

NATHANIEL HOLLAND,
President of the Board of Assistant Aldermen.

J. H. BLOOD,
President of the Board of Aldermen.

Approved, October 13, 1852.

S. R. HARRIS, Mayor.

No. 264. Ordering an election for Charter officers.

The People of the City of San Francisco do ordain as follows :

Section 1. That an election is hereby ordered to be held for the election, by general ticket, of the following officers, viz : a
Election of
Charter officers
ordered.
 Mayor, Recorder, Comptroller, Treasurer, Collector, Attorney, Marshal, Street Commissioner, Harbor Master and three Assessors ; and also by the respective wards—one Alderman and one Assistant Alderman. Said election to be held at the general election for State officers, on Tuesday, November 2, 1852.

NATHANIEL HOLLAND,
 President of the Board of Assistant Aldermen.

J. H. BLOOD,
 President of the Board of Aldermen.

Approved, October, 22, 1852.

S. R. HARRIS, Mayor.

No. 265. Granting a right of way to the California Telegraph Company.

The People of the City of San Francisco do ordain as follows :

Section 1. The California Telegraph Company shall have the right to erect in the streets of this city, proper posts for the sus-
Telegraph
Company may
erect posts, etc
 pension of telegraph wires, and to suspend such wires upon the same, for the use and purposes of said company, and to keep said posts and wires in repair : *Provided*, that such posts shall not in any wise obstruct the free use of said streets by the public, nor interfere with any lamp posts or other public erection ; and *provided further*, that when the Common Council or Street Commissioners deem it expedient to change the location of any such tele-
Not to interfere
with lamps.
Location to be
changed on
notice.

graphic posts, it shall be so changed, upon notice, at the expense of said company.

NATHANIEL HOLLAND,
President of the Board of Assistant Aldermen.

J. H. BLOOD,
President of the Board of Aldermen.

Approved, October 22, 1852.

S. R. HARRIS, Mayor.

No. 266. Making further appropriation of Money.

The People of the City of San Francisco do ordain as follows :

\$8,000 appropriated to Street Department.

Section 1. That the further sum of eight thousand dollars be, and the same is hereby appropriated for the support and maintenance of the Street Department of the City Government, which appropriation shall continue to be known and designated as the Street Department Fund.

NATHANIEL HOLLAND,
President of the Board of Assistant Aldermen.

J. H. BLOOD,
President of the Board of Aldermen.

Approved, October 26, 1850.

S. R. HARRIS, Mayor.

No. 267. Authorizing the Funding of Outstanding Indebtedness.

The People of the City of San Francisco do ordain as follows :

Commissioners may fund judgments, etc. for

Section 1. The Commissioners of the Funded Debts of the city of San Francisco, are hereby authorized to fund all judgments

and other evidences of indebtedness against the city, for which the city was liable, on and before the 1st day of May, 1851, and allow interest up to date of funding. debts due before May 1, 1851, with interest to date.

Sec. 2. This ordinance shall take effect from and after its passage, and continue in force for thirty days and no longer, so far as evidences now within the State are concerned; but the Commissioners mentioned in section one, may, at their discretion, within four months thereafter, fund evidences of indebtedness, provided, the parties presenting, make oath that such evidences were not in the State at the passage of this ordinance. How long to continue in force.

NATHANIEL HOLLAND,
President of the Board of Assistant Aldermen.

J. H. BLOOD,
President of the Board of Aldermen.

Approved, October 29, 1852.

S. R. HARRIS, Mayor.

No. 268. Making further appropriations of Money.

The People of the City of San Francisco do ordain as follows :

Section 1. The sum of ten thousand dollars be, and the same is hereby appropriated for the Building Fund, which appropriation shall continue to be designated and known as the Building Fund. \$10,000 appropriated to Building Fund.

NATHANIEL HOLLAND,
President of the Board of Assistant Aldermen.

J. H. BLOOD,
President of the Board of Aldermen.

Approved, November 1, 1852.

S. R. HARRIS, Mayor.

No. 269. Authorizing the improvement of Yerba Buena Cemetery, and providing for the payment of the same.

The People of the City of San Francisco do ordain as follows :

Fence to be
built around
cemetery.

Section 1. That the Committee on Streets and Public Improvements, are hereby authorized to contract for the building of a good and substantial fence around the Yerba Buena Cemetery, and to make such other improvements thereon as they shall deem necessary.

\$3,000
appropriated.

Sec. 2. That the sum of three thousand dollars be, and the same is hereby appropriated for that purpose, to be paid from the Contingent Fund, as fast as the bills for the same shall have been certified as correct by the said committee.

NATHANIEL HOLLAND,
President of the Board of Assistant Aldermen.

J. H. BLOOD,
President of the Board of Aldermen.

Approved, November 2, 1852.

S. R. HARRIS, Mayor.

No. 270 Giving Eugene Casserly, Esq., power to compromise certain Street Assessments.

The People of the City of San Francisco do ordain as follows :

Eugene Casserly
may compromise
claims for street
assessments, or
sue.

Section 1. For the more expeditious collection of the amounts due to the city of San Francisco for street assessments, Eugene Casserly, Esq., is hereby empowered, in all cases, to make such settlement or compromise of said assessments, as in his judgment shall be for the interests of the city of San Francisco. Such settlement to be final, only when approved by the Chairman of the Joint Judiciary Committee from both Boards of Aldermen ; and

whenever such settlement or compromise cannot be made, to take and prosecute such actions and proceedings in law, or otherwise, in the name and behalf of the city of San Francisco, as shall be necessary to enforce the collection of the same.

NATHANIEL HOLLAND,
President of the Board of Assistant Aldermen.

J. H. BLOOD,
President of the Board of Aldermen.

Approved, November 3, 1852.

S. R. HARRIS, Mayor.

ORDINANCES

PASSED SUBSEQUENTLY TO THE REVISED ORDINANCES,

AND THE

GENERAL REPEALING ORDINANCE.

ORDINANCES

PASSED SUBSEQUENTLY TO THE REVISED ORDINANCES
AND THE GENERAL REPEALING ORDINANCE.

No. 271. Creating Committee to ascertain the amount due on disputed or litigated claims accrued prior to May 1st, 1851.

The People of the City of San Francisco do ordain as follows :

Section 1. That Section 2, of Ordinance, No. 262, creating committee to ascertain the amount due on disputed or litigated claims accrued prior to May 1st, 1851, be amended to read as follows : Action of committee final. Ordinance 262, amended.

Sec. 2. The action of said committee shall be final upon all claims adjudicated by them, and certificates signed by all of the committee are hereby declared evidences of indebtedness against the city ; and the Commissioners of the Funded debt are authorized to fund the same. Action of committee final. Certificates evidences of debt, and Commissioners may fund them.

Sec. 3. All ordinances conflicting with this ordinance are hereby repealed.

NATHANIEL HOLLAND,
President of the Board of Assistant Aldermen.

J. H. BLOOD,
President of the Board of Aldermen.

Approved, November 5, 1852.

S. R. HARRIS, Mayor.

No. 272. Appropriating Five Hundred Dollars for the removal of the Insane to Stockton.

The People of the City of San Francisco do ordain as follows :

Comptroller may draw warrant for \$500, in favor of Wm. H. T. Kirby, for removal of Insane.

Section 1. That the City Comptroller be and is hereby authorized to draw warrants in favor of Wm. H. T. Kirby, for five hundred dollars, payable out of the Hospital Department Fund, for the purpose of removing the Insane to Stockton.

NATHANIEL HOLLAND,
President of the Board of Assistant Aldermen.

J. H. BLOOD,
President of the Board of Aldermen.

Approved, November 5, 1852.

S. R. HARRIS, Mayor.

No. 273. Appropriating Two Thousand Dollars for the relief of Thomas D. Green, late City Tax Collector.

The People of the City of San Francisco do ordain as follows :

\$2,000 authorized to be paid to Thos. D. Green, Tax Collector, for clerk hire.

Section 1. That the Comptroller be and the same is hereby authorized and required to draw a warrant upon the Treasurer for the sum of two thousand dollars, for the relief of Thos. D. Green, late City Tax Collector. This amount being as a remuneration for moneys paid by him for extra clerks employed by him to facilitate the prompt collection of licenses and taxes, to be paid from the Contingent Fund.

NATHANIEL HOLLAND,
President of the Board of Assistant Aldermen.

J. H. BLOOD,
President of the Board of Aldermen.

Approved, November 6, 1852.

S. R. HARRIS, Mayor.

No. 274. For the opening of Beale and Mission Streets, and making an appropriation for the improvement of the same.

The People of the City of San Francisco do ordain as follows :

Section 1. That Beale street from Mission street to Harrison street, and Mission street from First street to Beale street, be and the same are hereby declared open as public streets.

Beale street from
Mission to
Harrison.
Mission street
from First to
Beale, opened.

Sec. 2. The sum of five thousand dollars are hereby appropriated for the improvement of Beale street from Folsom street to Mission street, and Mission street from Front street to Beale street. To be paid when the owners of the adjacent property complete piling and planking Beale street, twenty-four feet wide, from Folsom to Mission street; and Mission street, twenty-four feet wide, from First street to Beale street.

\$5,000 appro-
priated for
improvement of
Mission and
Beale streets,
on conditions.

NATH. HOLLAND,
President of the Board of Assistant Aldermen.

J. H. BLOOD,
President of the Board of Aldermen.

Approved, November 8, 1852.

S. R. HARRIS, Mayor.

No. 275. Concerning Street Assessments.

The People of the City of San Francisco do ordain as follows :

Section 1. Eugene Casserly is hereby authorized and directed to pay over to the Commissioners of the Funded Debt of the city of San Francisco, the nett proceeds of all street assessments collected by him under any existing ordinance or resolution. Such moneys to be, by the said Commissioners, applied to the Sinking Fund, for the redemption of the city stock.

Eugene Casserly
to pay collections
from assessments
to Commission-
ers of Funded
Debt, to be
applied to
Sinking Fund.

Receipt of
Commissioners
full voucher.

Sec. 2. The receipt of said Commissioners shall be to the said Eugene Casserly, a full voucher for such payment.

NATHANIEL HOLLAND,
President of the Board of Assistant Aldermen.

J. H. BLOOD,
President of the Board of Aldermen.

Approved, November 9, 1852.

S. R. HARRIS, Mayor.

No. 276. Employing City Engineer to superintend the construction of Wharves and Piers.

The People of the City of San Francisco do ordain as follows :

Committee on
Streets, &c., may
contract with
James G. Hub-
bell to superin-
tend construction
of Wharves.

Salary not to
exceed \$2,500.

Section 1. That the Committee on Streets, Public Buildings and Improvements, from both Boards of Aldermen, be and are hereby empowered to contract with James C. Hubbell, as Engineer, for the purpose of superintending the completion of the City Wharves or Piers, at a cost not exceeding twenty-five hundred dollars per annum, payable monthly out of the Contingent Fund.

NATHANIEL HOLLAND,
President of the Board of Assistant Aldermen.

J. H. BLOOD,
President of the Board of Aldermen.

Approved, November 10, 1852.

S. R. HARRIS, Mayor.

No. 277. For the improvement of Stockton Street from Clay to Bush Streets.

The People of the City of San Francisco do ordain as follows :

Section 1. That the Street Commissioner be and he is hereby authorized to advertise for proposals for the improvement of Stockton street, from Clay street to Bush street, as by Engineer's grade.

Street Commissioner to advertise for proposals for improvement of Stockton street, from Clay to Bush.

Sec. 2. That the sum of four thousand dollars be, and the same is hereby appropriated out of the Street Department Fund, as the city's proportion for said improvement, which shall be made under the direction of the Street Commissioner and the Committee on Streets from both Boards of Aldermen.

\$4,000 appropriated as City's share.

Street Commissioner and Committee on Streets to superintend.

NATHANIEL HOLLAND,
President of the Board of Assistant Aldermen.

J. H. BLOOD,
President of the Board of Aldermen.

Approved, November 10, 1852.

S. R. HARRIS, Mayor.

No. 278. For regulating the Police Department.

The People of the City of San Francisco do ordain as follows :

ARTICLE I.

Section 1. The Police Department of the city of San Francisco shall consist of a day and night police, not exceeding fifty men, (including the Marshal, Captain of Police, Assistant Captain and Policemen,) each to be nominated by at least ten respectable tax-paying citizens, and to be appointed by the Common Council, and approved by the Mayor.

Of whom composed.
Fifty Policemen.

How appointed.

Sec. 2. All removals shall be made by the Marshal with the concurrence of the Mayor.

Removals.

ARTICLE II.

OF POLICE DISTRICTS AND STATION HOUSE.

- Police district. Section 1. There shall be one Police District in said city.
- Station House. Sec. 2. There shall be one Station House in the district, to be
Where located. located at such place as may be designated by the Common Council.
- Cells for prisoners. Sec. 3. The Station House shall be provided with cells for the safe keeping of the prisoners.
- Captain and Assistant Captain. Sec. 4. There shall be appointed one Captain and one Assistant Captain of Police.

ARTICLE III.

DUTIES OF THE CITY MARSHAL.

- City Marshal. Sec. 1. The City Marshal shall have the general superin-
Superintendence of department. tendence and control of the Police Department.
- Office where held. Sec. 2. He shall hold his office in a place provided by the
Office hours. Common Council. He shall be in his office at nine o'clock, A. M.,
Reports. each day to receive the reports of officers of Police, and shall submit their reports to the Recorder, and no person shall be discharged from custody, except by order of the Recorder.
- Discharge of prisoners. Sec. 3. He shall take charge of all property delivered by officers of Police, whether stolen or otherwise, shall keep an inventory of the same, and retain in custody until ownership is established before the Recorder.
- Stolen property. Sec. 4. He shall have power to suspend any member of this
Inventory. Department, giving notice of the same to the Mayor within twenty-four hours. He shall promptly report to the Mayor all complaints against any member of the department.
- Custody. Sec. 5. He shall keep in his office a book, in which shall be entered the name of each member of the department, the station he occupies, and the time of his appointment. Also, the time of his dismissal, and the cause.
- Suspensions.
- Complaints to be reported to the Mayor.
- Roll.
- Station.
- Appointment.
- Dismissal.

Sec. 6. He shall keep in his office a book, in which shall be recorded all orders issued by the Mayor. Said book shall contain an index.

Order Book.
Index.

Sec. 7. He shall keep in his office a book, in which shall be entered the name, at full length, with the alias, of every person against whom criminal complaint shall be made, the name of the officer making the complaint, the witnesses, the nature of the complaint, and what disposition was made of the accused.

Record of
criminal
complaints.

Sec. 8. He shall keep in his office a book, in which shall be entered the name of every person he shall notify the City Attorney to prosecute for a violation of the city ordinances, the nature of the complaint, and residence of the complainant in each case.

Record of
complaints for
violation of
ordinances.

Sec. 9. He shall keep in his office a book, in which shall be kept the substance of all official reports.

Record of official
reports.

ARTICLE IV.

OF THE DUTIES OF POLICE CAPTAIN.

Section 1. The Captain of the district shall have charge of the members of the Police Department connected with said district. He shall also have charge of the Station House in said district, and shall be held responsible for the cleanliness and good order of the same.

Captain to have
charge of
Policemen and
Station House.

Sec. 2. He shall report to the Marshal all disobedience of orders and misconduct by the subordinates of his department, and shall have power to suspend any of them for a time not exceeding twenty-four hours.

To report
disobedience to
Marshal.
Suspensions.

Sec. 3. He shall divide his district into as many beats or stations as may be necessary, appointing to each member of the department such portion of night and day duty as may be equitable and expedient, and a weekly detail of duty for each policeman shall be made and placed in a conspicuous position in the Station House.

Beats.
Weekly detail
of duty to be
posted.

Sec. 4. He shall receive into his custody and safely keep every

Custody of
prisoners.

Suspicious and
forlorn persons.

person apprehended for any criminal offence ; he may also receive, at his discretion, suspicious or forlorn persons found strolling about the city during the night.

Daily delivery
of prisoners and
property with
report.

Sec. 5. He shall, on the morning of each day, and before 9 o'clock, deliver at the Marshal's office, all prisoners, together with all property, whether stolen or otherwise, in his charge, and shall at the same time present to the Marshal a report containing the names of the persons accused, with their aliases, the nature of the charge, with the names of the complainants and witnesses, with their residences, and a list of the property delivered, with its history so far as known.

Record of his
reports.

Sec. 6. He shall keep a book in which shall be kept an exact copy of his reports made to the City Marshal.

Duty in case of
fires.

Sec. 7. At any alarm of fire, it shall be the duty of the Captain to proceed forthwith to the scene of conflagration, with the whole number of policemen off duty, for the purpose of preserving order and protecting property.

Duty in case of
riots.

Sec. 8. In case of any riot or sudden emergency requiring the services of the Police, on notice being given to the Captain of the District, he shall transmit immediate notice to the City Marshal, and to the Mayor, and shall proceed forthwith to the scene of riot with the whole Police force off duty, and be vigilant in suppressing the same.

Time book and
duty list.

Sec. 9. He shall enter in a book, to be kept at the Station House, the name of each member of the Department, the time of his appointment, the time of his resignation or removal, and the number of days and nights he has been on duty. At the end of every month he shall make out a monthly list of duty of each man, and shall present the same to the City Marshal.

Record of
criminal complaints
and
information.

Sec. 10. He shall enter in a book, to be kept at the District head quarters, all information he may receive respecting offences committed, and of suspicious persons or places ; also of property stolen, enumerating the articles and the name of the Policeman on the station at the time the offence was committed.

Record of
complaints for
violations of

Sec. 11. The Captain shall keep in his station house, a book in which shall be kept the name of every person complained of for a

violation of any Corporation Ordinances or Laws for the preven-
tion of fires, the nature of the complaint, and the name and resi-
dence of the complainant in each case ; he shall transmit duplicates
of such entries, every morning, to the City Marshal, by 9 o'clock.

ordinances and
fire laws.

Sec. 12. The Mayor, Recorder, and City Marshal, or either of
them, are authorized to inspect, at all times, any or all the books
directed to be kept by the Captains of Police : but no person not
herein named, shall be permitted to examine any of said books
without permission, in writing, from the Mayor, Recorder, or City
Marshal, except the policemen of the district may, under the direc-
tion of one of their officers be allowed to examine the books men-
tioned in Section 10 of this Article.

Mayor, Recorder
and Marshal
may inspect
books.

No other persons
permitted.

Exceptions.

ARTICLE V.

DUTIES OF ASSISTANT CAPTAIN OF POLICE.

Sec. 1. In case of the absence of the Captain from the Dis-
trict headquarters, or from the Police District, the duties required
of him may be performed by the Assistant Captain, who at such
time shall have the rights and powers of Captain.

Assistant Captain
to act in absence
of Captain.

Sec. 2. It shall be the duty of the Captain or Assistant Cap-
tain to see that each policeman discharges faithfully, both by night
and by day, the duties assigned to him.

To see that the
policemen do
their duty.

ARTICLE VI.

DUTIES OF POLICEMEN.

Sec. 1. It shall be the duty of each policeman to obey the or-
ders he shall receive from the officers of the Department, not con-
flicting with the laws, and faithfully discharge the regular duties
assigned to him both by night and day.

Duty of
policemen.

Sec. 2. No policeman while on duty shall visit drinking houses,
houses of ill fame, balls, theatres, circuses, or other places of amuse-
ment, except in discharge of his duty as policeman. He shall
visit every part of his respective beat ; shall watch for fires, make
arrests for crimes, and shall take notice of all suspicious persons
and places. He shall take all persons arrested, together with all

Not to visit
certain public
houses.

Duties.

stolen property, to the Station House, to be disposed of by the proper authorities. He shall also have in his possession the City Ordinances relating to his department, and shall make himself familiar with all the ordinances of the city by which his duties may be affected.

ARTICLE VII.

MISCELLANEOUS PROVISIONS.

Compensation. Sec. 1. The compensation of Officers and Policemen shall be as follows :

Captain and Assistant Captain
\$200 per month. To Captain and Assistant Captain, two hundred dollars each per month.

Policemen
\$150 per month.
No pay when off duty. To each Policeman, one hundred and fifty dollars per month ; but no pay shall be given for the time of absence from duty.

Necessary expenses paid. Police officers sent out of the city on public business, shall be allowed all necessary expenses, upon the same being sworn to and approved by the Mayor or the City Marshal.

Official bond of Captain and Assistant Captain. Sec. 2. The Captain and Assistant Captain shall give bond for the faithful performance of all duties enjoined on them by this ordinance, to the sum of one thousand dollars each, to be approved by the Mayor and Common Council.

Salaries paid by warrants drawn from pay roll. Sec. 3. The salaries above named shall be paid by the Comptroller monthly, by warrants, to be issued by the Comptroller, from a pay roll to be deposited with him monthly, by the Marshal.

No extra fees allowed. Sec. 4. Any member who shall charge or receive any fee or compensation, other than his legal salary, or shall receive any present or reward for services rendered, or to be rendered, unless with the knowledge and approbation of the Mayor, Recorder or City Marshal, shall be guilty of a violation of the city ordinances, and shall be subject to expulsion from the department.

Not to follow any other calling.
Sickness. Sec. 5. No member of the department shall follow any other calling during his term of office. Sickness or disability only shall be an excuse for absence from duty.

Not to become bail. Sec. 6. No person connected with the Police department shall become bail for any person charged with any offence whatsoever.

Sec. 7. The Captain and Assistant Captain, and Policemen, shall at all times, when on duty, display their emblem of office, so that the same may be distinctly seen; such emblem to be designated by the City Marshal; and any person not authorized, who shall assume the badge or office of policeman, shall be subject to fine by the Recorder, of not less than fifty nor more than five hundred dollars for each offence.

Badges of office to be displayed.

Penalty for personating policemen.

Sec. 8. Two additional policemen be appointed by Marshal to act as substitutes for those who may be absent, shall be allowed to the Police district, to be governed by the same regulations as other policemen, and to draw pay only for the time they may be on duty.

Two additional policemen to be appointed by Marshal.

Sec. 9. The Captain, Assistant Captain, and Policemen, shall subscribe and take before the Mayor, the constitutional oath of office, which oath shall be filed in the office of the Clerk of the Common Council.

Oath of office.

Sec. 10. It shall be the duty of the city Marshal to cause to be published in a neat, cheap form, this ordinance, together with all other regulations relating to the department; also instructions relative to the department; also instructions relative to the duties of police officers; a copy of which shall be furnished to each member of the department.

Marshal to publish this ordinance and others, cheap and neat.

Sec. 12. The Marshal shall have power to employ a clerk, with a salary not to exceed two hundred dollars per month.

Marshal's Clerk.
Salary.

Sec. 13. All ordinances, or parts of ordinances, conflicting with any of the provisions herein contained, are hereby repealed.

Ordinances conflicting repealed.

J. P. HAVEN,
President of the Board of Aldermen.

JAMES DELONG,
President of the Board of Assistant Aldermen.

Approved, Nov. 24, 1852.

C. J. BRENHAM, Mayor.

No. 279. Amending Ordinance No. 233, entitled "Fixing the Fire Limits, and providing for the appointment of Fire Wardens."

The People of the City of San Francisco do ordain as follows :

Section 2,
Ordinance 233,
amended.

Section 1. That Section 2, of Ordinance No. 233, entitled "Fixing the fire limits, and providing for the appointment of Fire Wardens," approved May 27, 1852, be and the same is hereby amended, to read as follows :

Assistant
Engineers and
Secretary of
Board of Dele-
gates, to be
Fire Wardens.

Sec. 2. The first, second and third Assistant Engineers, and the Secretary of the Board of Delegates of the Fire Department shall be, and are hereby constituted "Fire Wardens." Immediately after they are elected by the Fire Department as Engineers, they shall be sworn in as Fire Wardens by the Mayor, and receive from him a certificate of office, which shall vest them with all the powers of policemen, and be their authority for carrying out the provisions of this ordinance.

To be sworn, &c.

The First Assistant Engineer shall be the Fire Warden for the first district ; Second Assistant Engineer for the second district ; the Third Assistant Engineer for the third district, and the Secretary of the Board of Delegates for the fourth district.

To reside in his
district.
His salary.

Each Fire Warden shall reside in the district for which he is appointed, and shall be paid for such services, one hundred and fifty dollars per month, payable out of the Fire Department Fund.

Section 9,
Ordinance 233,
amended.

Sec. 3. That Section 9, of the said ordinance be, and is hereby amended to read as follows :

Chief Engineer
ex officio Fire
Warden.

Powers and
duties.

Sec. 9. The Chief Engineer of the Fire Department shall be, by virtue of his office, Fire Warden, and as such have a general supervision of the Fire Wardens and fire districts, and he is hereby vested with all the powers of a policeman, but he shall receive no compensation for such services.

J. P. HAVEN,

President of the Board of Aldermen.

JAMES DELONG,

President of the Board of Assistant Aldermen.

Approved, December 6, 1852.

C. J. BRENNHAM, Mayor.

No. 280. For conveying certain Lots to the Government of the United States.

The People of the City of San Francisco do ordain as follows :

That his Honor the Mayor, be directed to convey, on their behalf, all their right, title and interest to certain six fifty vara lots, bounded and described as follows: on the east by Spear street, on the south by Harrison street, on the west by Front street, and north by the beach—the whole comprehended within an area of one hundred varas by one hundred and fifty varas.

Mayor directed to convey certain six 50 vara lots, bounded by Spear, Harrison, Front and the Beach, 100 by 150 varas.

J. P. HAVEN,
President of the Board of Aldermen.

JAMES DELONG,
President of the Board of Assistant Aldermen.

Approved, December 10, 1852.

C. J. BRENHAM, Mayor.

No. 281. For the payment of Charles T. Botts, Esq.
Five Hundred Dollars, for professional services.

The People of the City of San Francisco do ordain as follows :

That the sum of five hundred dollars, (\$500,) be and is hereby appropriated, payable out of the "Contingent Fund," to Charles T. Botts, for professional services, in the case of *Douglass v. The City of San Francisco*.

\$500 ordered to be paid to C. T. Botts, for professional services in Douglas v. The City.

J. P. HAVEN,
President of the Board of Aldermen.

JAMES DELONG,
President of the Board of Assistant Aldermen.

Approved, December 6, 1852.

C. J. BRENHAM, Mayor.

No. 282. Fixing Fire Limits, in which no Wooden Buildings shall be erected after July 1, 1853.

The People of the City of San Francisco do ordain as follows :

Section 1. All dwelling houses, storehouses, or other buildings whatsoever, except such as are hereinafter provided for, which, after the first day of July, one thousand eight hundred and fifty-three, shall be built or erected within that part of the city of San Francisco, bounded as follows, to wit: commencing at the south-east corner of the intersection of Dupont and Pacific streets, running thence southerly along the easterly line of Dupont street, to the north-east corner of Dupont and Pine streets, thence easterly, along the northerly line of Pine street to the north-west corner of Pine and Front streets, thence northerly, along the westerly line of Front street to the south-west corner of Front and Pacific streets, thence westerly, along the southerly line of Pacific street to the place of beginning, shall be made and constructed of stone or brick, with party or fire walls, rising at least two feet above the roof; and shall be covered with brick, slate, tile, cement, or other safe material against fire.

Fire Limits defined.
Dupont, Pine,
Front and
Pacific.

Buildings, of
what materials
and how to be
built, after July
1, 1853.

Wooden build-
ings hereafter to
be not more than
fifteen feet high.

Sec. 2. No dwelling houses, storehouses, or other buildings whatsoever, which, from the passing of this ordinance, till the first day of July, one thousand eight hundred and fifty-three, shall be built or erected of wood, or any other material, except such as are provided for in the first section of this ordinance, shall exceed twelve feet in height from the ground to the roof, nor fifteen feet to the extreme top of the roof.

No building to
be enlarged or
removed.

Sec. 3. No wooden building shall, after the passing of this ordinance, be raised, enlarged, built upon, or removed, from one lot to another, within the limits aforesaid.

Buildings
violating this
ordinance, a
common
nuisance.

Sec. 4. Every building, of any description whatever, which shall hereafter be erected, roofed, repaired, altered, enlarged, built upon, or removed, contrary to the provisions of this ordinance, shall be deemed a common nuisance, and the proprietor or proprietors thereof shall be liable to a penalty of five hundred dollars, and to an additional penalty of two hundred dollars, for every twenty-four hours during which such building shall remain in violation of this ordinance, after notice to remove the same shall have

Penalty \$500.

For each day's
continuance,
after notice, \$250.

been given by the Chief Engineer of the Fire Department, or either of the Fire Wardens, to him or them, or either of them personally, or by leaving the same in writing upon the premises. Notice how given.

Sec. 5. Every builder who shall so erect, roof, repair, alter, Penalty upon builder. enlarge, or remove such building, contrary to the provisions of this ordinance, whether he be the proprietor thereof or not, shall, for every such offence, be liable to a penalty of two hundred and fifty dollars, all of which penalties shall be imposed upon such proprietor or proprietors, builder or builders, by the Recorder of the city of San Francisco, upon complaint of said Chief Engineer, or either of the Fire Wardens, whose special duty it is hereby expressly By whom complaint to be made. made to see that the provisions of this ordinance are rigidly complied with.

Sec. 6. All penalties imposed under this ordinance, shall be Penalties for benefit of Fire Department. for the use and benefit of the Fire Department of the city of San Francisco, and shall be paid by the said Recorder to the City To be paid to Treasurer thereof. Treasurer thereof.

Sec. 7. Any ordinance or ordinances in any way conflicting Conflicting ordinances repealed. with the provisions of this act, are hereby repealed.

J. P. HAVEN,
President of the Board of Aldermen.

JAMES DELONG,
President of the Board of Assistant Aldermen.

Approved, December 6, 1852.

C. J. BRENHAM, Mayor.



LIST
OF
JOINT RESOLUTIONS,
FROM THE
FIRST CHARTER OF THE CITY TO THE PRESENT TIME.

LIST OF
JOINT RESOLUTIONS,

FROM THE FIRST CHARTER OF THE CITY TO THE
PRESENT TIME.

1. In relation to Committees, &c.
2. To extend the time for receiving bids for Loan.
3. Authorizing the City Attorney to employ Associate Counsel.
4. Authorizing the Mayor to obtain possession of Beach and Water Lots.
5. Authorizing the Mayor to take charge of children of Mr. and Mrs. Morrison.
6. Authorizing Mayor to offer \$1,000 reward for detection of incendiaries.
7. As to compensation of J. W. Dwinelle, Esq., for legal services.
8. For the relief of the Fire Department.
9. Authorizing W. S. Clark to construct a Sidewalk.
10. Relative to the grading of Sacramento and Buena Vista Streets.
11. As to contract for rent with Messrs. Taaffe and McCahill.
12. For the pay of the Police.
13. As to blank form of Licenses.
14. As to lease of premises for the Common Council.
15. Of thanks to F. D. Kohler, Chief Engineer of Fire Department.
16. As to lease of rooms on the corner of Jackson and Dupont Streets.
17. Relative to the State Marine Hospital.
18. Fixing the Salary of the Sergeant-at-Arms of Board of Aldermen.
19. In relation to the speed of Rail Road Cars.
20. Relative to Baldwin's Buildings.

21. Regulating Salary of Sergeant-at-Arms of Board of Assistant Aldermen.
22. To pay Dwinelle and Holt \$5,000.
23. For the relief of the City Assessors.
24. Relative to a plan for a new City Hall.
25. Relative to Coupons of San Francisco City Stock.
26. Empowering Alderman C. L. Ross to take possession of City property.
27. Relative to the claims for building Wharves.
28. Relative to the pay of the late City Officers.
29. Relating to the contract with the State Marine Hospital.
30. Appropriating \$5,000 for the relief of Teachers of Happy Valley Schools.
31. To pay John W. Geary and Malachi Fallon \$6,441 50.
32. For the relief of Sansome Hook and Ladder Company.
33. For the relief of James Goodwin.
34. Appointing place for holding Elections in 4th and 5th Wards.
35. Relative to lease of sites for Engine Houses.
36. Instructing the Comptroller to cease to draw Warrants.
37. Relative to the opening of Commercial Street.
38. Relative to the Reservoir on the corner of Pine and Kearny Streets.
39. For the relief of W. H. T. Kirby.
40. For reducing the expenses of the Hospital Department.
41. Relative to Coupon No. 2, and the collection of City Taxes.
42. Accepting Heyle and Winslow's proposals for a Powder Magazine.
43. As to the funeral expenses of George Endicott, late President, &c.
44. For the improvement of Portsmouth Square.
45. Authorizing E. H. Parker to build a Powder Magazine.
46. Repealing Resolution No. 54.
47. Relative to judgment in Benson *vs.* the City, &c.
48. Appropriating \$2,000 for School Houses.
49. Relative to publishing City Laws.
50. In reply to United States Commissioners concerning the Plaza.
51. Relative to the Street on the west side of Portsmouth Square.
52. Repealing Resolution No. 36.
53. Repealing Ordinance 166.
54. To pay R. H. Sinton \$1,875 56.
55. Authorizing the collection of moneys of Wainwright, B. & Co.
56. Fixing the Bonds of all City Officers.

57. Appropriating \$3,000 for contingent expenses of Common Schools.
58. To authorize F. Buckley to construct a sewer in Clay Street.
59. In relation to the Street Commissioner.
60. Authorizing C. C. Ross and others to grade Simmons Street.
61. To revise and codify the Ordinances of the City.
62. As to judgments against the City.
63. Instructing the City Attorney to investigate the balance due the City on sales of Water Lots.
64. For the repairing of Sansome street.
65. Instructing the City Attorney relative to the City property in the hands of the late Street Commissioner.
66. Authorizing the City Marshal to fit up a safe lock-up in the Eighth Ward.
67. Authorizing the building of Drum Street from California to Sacramento Street.
68. Authorizing James Cunningham to build Front Street from Vallejo Street to Cunningham's Wharf.
69. Authorizing the contracting for City Printing.
70. Authorizing the Comptroller to draw Warrant for \$2,000 in favor of T. J. Nevins.
71. Authorizing the City Attorney to take legal measures to stop the extension of Sacramento Street Wharf.
72. Instructing Heads of Departments about Printing.
73. Relative to the pay of Assessors elected September 3, 1852.
74. Tendering a room in the City Hall to the Commissioners of the Funded Debt.
75. Authorizing the Comptroller to draw Warrants in favor of the City Assessors, for balance due on Assessments of 1851.
76. Extending the hospitalities of the City to the Legislature.
77. To memorialize the Legislature relative to the Supreme Court.
78. Instructing the City Comptroller not to draw Warrants for the salary of either of the claimants to the office of Street Commissioner.
79. Authorizing the Chief Engineer to repair and paint Howard Engine House.
80. Relative to amending the City Charter.
81. Relative to the care of the City Hall.
82. To pay T. J. Nevins \$2,000.
83. Authorizing the Committee to revise City Charter to proceed to Sacramento City.

84. Instructing Joseph Weed, Collector of Street Assessments, to report, &c.
85. To admit into the Fire Department Vigilant Engine Company, No. 9.
86. Authorizing an investigation to be made as to the condition of City property.
87. Authorizing the City Comptroller to purchase a fire proof Safe.
88. Relative to all the petitions for lighting the City with gas.
89. Appropriating \$2,000 to T. J. Nevins.
90. To rescind Resolution No. 90.
91. Relative to the pay of the City Assessors.
92. Appointing a Committee to enquire into the most feasible plan for the erection or purchase of a City Hall.
93. Appropriating \$500 for repair of Streets.
94. To ascertain why Davis Street, running north from Sacramento Street Wharf, has been built.
95. Relative to the title of the Jenny Lind Theatre and Parker House property.
96. As to ways and means to purchase Jenny Lind Theatre and Parker House property.
97. To pay T. J. Nevins \$2,000 out of the Common School Fund.
98. Relative to Street Assessments.
99. Asking Joseph Weed to furnish a list of delinquents on Street Assessments.
100. In relation to the celebration of the Fourth of July.
101. About the City Sick.
102. About John W. Geary.
103. Relative to the assessment of Manrow & Co. on Ohio Street.
104. Relative to a division of the City into Wards.
105. Authorizing the burning of City Indebtedness.
(There are no resolutions numbered from 106 to 205—there was an error in numbering.)
206. Authorizing the Judiciary Committee to employ Counsel.
207. Appropriating \$12,000 for Free Common School purposes.
208. Appropriating \$500 for Street Repairs.
209. Empowering City Recorder to employ an Interpreter.
210. Relative to the City Printing.
211. To pay Matthew H. Furman \$1,000.
212. Appropriating money to prosecute Land Claims of the City.
213. Relative to the death of Hon. Henry Clay.
214. Relative to Plans of altering Jenny Lind and Parker House into a City Hall.

215. Authorizing the Committee on Streets, &c., to contract for altering Jenny Lind Theatre and Parker House.
216. To ascertain why Central Wharf was extended beyond the east line of East Street.
217. About the Jenny Lind Theatre.
218. Closing the performances at the Jenny Lind Theatre.
219. Authorizing the Comptroller to draw Warrants for \$2,000 in favor of T. W. Nevins.
220. Appointing a Committee (Special) to ascertain why certain property on south side of Central Wharf had been sold, and other property claimed to be owned by said Company.
221. Authorizing the payment for Funeral Obsequies of Henry Clay.
222. Relative to enjoining the Commissioners of the Funded Debt.
223. As to Contract with Donahue and Company for Lighting the City with Gas.
224. Granting an Assistant to Wm. H. T. Kirby for care of the Insane.
225. For the relief of Mathew Scott, Pyrotechnist.
226. For the care of the City Sick, proper.
227. To pay Edward J. Menomy for altering Jenny Lind and Parker House.
228. To accept Lady Washington Company into the Fire Department.
229. Instructing the Street Commissioner relative to Market and California Streets.
230. Appropriating \$500 for Repair of Streets.
231. Appropriating \$600 to Empire Engine Company.
232. Authorizing Judiciary Committee to examine certain acts of Commissioners of the Funded Debt.
233. Appropriating \$5,000 for general Repair of Streets.
234. Appropriating \$2,000 for Free Common School purposes.
235. Authorizing the Building of Sewers.
236. Requesting Fund Commissioners to set apart Lots for School, Hospital and Engine Houses.
237. Relative to printing City Ordinances in German Paper.
238. Relative to printing City Ordinances in French and Spanish.
239. Appropriating \$3,250 for the purchase of an Engine for Company No. 5.
240. Appropriating \$2,500 for Free Common School purposes.
241. Relative to a proper Survey of Streets.

242. Appropriating \$1,500 to complete the Cutting and Grading of Battery Street.
243. Enquiry of Commissioners of Funded Debt.
244. To Plank the junction of California and Kearny Streets.
245. To admit into the Fire Department Crescent Engine Company.
246. Relative to Grading Stockton Street.
247. Fixing the places for holding the Polls for Election, November 2, 1852.
248. Authorizing the Chief Engineer to admit into the Fire Department Engine Company, known as "Columbia Fire Company."
249. To admit into Fire Department, Pennsylvania Fire Company.
250. Making an appropriation to grade Jesse Street.
251. For the relief of City Assessors.
252. Appointing Judges and Inspectors of Election.
253. Confirming Contracts for Construction of Wharves.
254. Appropriating \$5,000 for purchase of Engines.
255. To retain Counsel to maintain Rights to certain Property.
256. Authorizing the Street Commissioner to regulate Night Carts.
257. Relative to places for holding the Polls in the Fourth Ward.
259. Relative to appropriating Council Chambers.
260. Relative to Planking and Grading of Washington Street between Montgomery and Battery.
261. Relative to School Lots.
262. The Tax Collector to pay to City Treasurer certain Moneys paid under Protest.

L A W S

OF THE

STATE OF CALIFORNIA,

RELATING PARTICULARLY

TO THE

CITY AND COUNTY OF SAN FRANCISCO.

L A W S

OF THE

STATE OF CALIFORNIA,

RELATING PARTICULARLY TO THE CITY AND COUNTY OF
SAN FRANCISCO.

CHAPTER XVIII.

[LAWS OF 1850, p. 65.]

AN ACT *to establish Pilots and Pilot Regulations for the Port
of San Francisco.*

[PASSED FEBRUARY 25, 1850.]

*The People of the State of California, represented in Senate and
Assembly, do enact as follows :*

Section 1. It shall be the duty of the Governor to appoint two Board of Pilot
Commissioners. resident merchants and two experienced and resident shipmasters,
who, together with the Harbor Master of the port, shall constitute
a Board of Pilot Commissioners for the port of San Francisco.

Sec. 2. The persons thus appointed, shall take an oath for the Commissioners
to take oath. faithful discharge of their duties, and shall hold their office for the
term of one year, and until their successors are appointed and Term of office.
qualified.

Sec. 3. The Commissioners shall keep an office at San Fran- Commissioners
to keep an office,
and meet once a
month. cisco, and shall meet therein on the first Monday of each month ;
a majority shall constitute a quorum for the transaction of business.

Sec. 4. They shall appoint a Secretary, who shall hold his Commissioners
may appoint a
Secretary. office for one year. He shall give bond with security, to be ap-

proved by the Commissioners, payable to the State of California, in the sum of ten thousand dollars, conditioned for the faithful discharge of his duty, which bond shall be filed in the office of the County Clerk, and be for the use of the party aggrieved.

By-laws.

Sec. 5. The Commissioners shall make by-laws and rules for their own government, not inconsistent with the provisions of the laws of this State, or the United States.

Iron safe.

Sec. 6. The Commissioners shall have power to purchase an iron safe for the keeping of money, papers, books, or other things of value belonging to their office.

Duties of
Secretary to
Commissioners.

Sec. 7. It shall be the duty of the Secretary to keep correct minutes of all the proceedings of the Commissioners, in books provided for that purpose. To receive all money and pay out the same, when ordered so to do by the Board, and shall register the names of all pilots, with the date of their licenses; their registers and books shall always be open to public inspection.

Monthly record
of arrival and
departure of
pilot boats, &c.
to be kept.

Sec. 8. He shall keep a monthly record of the arrival and departure of the pilot boats, names and residences of all pilots, and perform such other duties as the Board may direct.

Compensation to
Secretary.

Sec. 9. The Secretary shall receive for his compensation such sum as the Commissioners shall deem just.

Commissioners
not to be interest-
ed in earnings
of pilots.

Sec. 10. Neither the Commissioners nor the Secretary shall have any interest directly, or otherwise, in any pilot boat, or the earnings thereof.

Commissioners
may appoint
pilots.

Sec. 11. The Commissioners shall have power to appoint, in the manner prescribed in this Act, such number of pilots for said port as they may deem necessary.

Qualification of
applicants for
license to act as
pilots.

Sec. 12. Persons applying for license to act as pilots for the port of San Francisco shall be American citizens, and not under the age of twenty-one years; and in presence of one or more licensed pilots shall be rigidly examined by the Commissioners, touching their qualifications concerning their knowledge of the management of square rigged vessels; of the tides, soundings, bearings and distances of the different shoals, rocks, bars and

points of land, and night lights of the harbor and bay; and if deemed to be qualified, shall receive a license as pilot, which shall expire at the end of twelve months.

Sec. 13. Every licensed pilot, previous to entering on his duties, shall give bond to the amount of five thousand dollars, payable to the State of California, for the faithful discharge of his duty; which bond and security shall be approved of by the Commissioners, and shall be filed in their office.

Pilots to give bond.

Sec. 14. The Commissioners shall have full power to suspend pilots or revoke their licenses, on proof of incapacity or misconduct.

Pilots may be suspended, or their licenses revoked.

Sec. 15. As soon as a sufficient number of pilots are associated to keep a boat, such boat shall be numbered by the Commissioners in the order of application, and her name and number duly recorded by the Secretary, and such number shall be distinctly painted in black figures, to be at least two feet long, and above the balance reef of the foresail of such boat; the pilots shall then select one from their number, whose duty it shall be to make reports to the Commissioners.

Pilot boats to be numbered and recorded.

One pilot to be selected to make reports.

Sec. 16. On the first Monday in every month, the person so selected shall pay over to the Secretary the amount of per centage assessed by the Commissioners for the purpose defined in this act, and report the names of the vessels, and amount received from each, verified by his signature.

Pilot selected to report monthly and pay per centage.

Sec. 17. Every pilot on boarding a vessel, when required by the master thereof, shall exhibit his license to such master, and on refusal so to do, shall be liable to a penalty of fifty dollars.

Pilots to exhibit license.

Sec. 18. Any pilot absenting himself from his duty for more than two months, except on leave granted by the Commissioners, or by sickness, shall be considered as having forfeited his license.

Pilot's license forfeited by his absenting himself.

Sec. 19. In case a pilot does not apply at the end of the time for which his license was granted, for a renewal of the same, he shall be considered as suspended.

License suspended if renewal not applied for.

Sec. 20. If any licensed pilot shall become intoxicated whilst

Pilots may be suspended or

dismissed for being intoxicated. having charge of any vessel as pilot, he shall be suspended or dismissed as the Commissioners may elect.

Not more than six pilots to be in one co-partnership.

Sec. 21. Not more than six pilots shall be in co-partnership, or interested at any one time in the business of piloting; and for any infringement of this section, shall be subject to such penalty as may be determined by the Commissioners.

Pilots may be required to renew their bonds.

Sec. 22. The Commissioners may require pilots to renew their bonds and securities whenever it is deemed necessary; and they may take away the license of any pilot for wilful infringement or violation of his duty, or negligently losing any vessel, or for mental derangement, or habitual drunkenness, provided due notice in writing be given to such pilot, and an opportunity afforded him of being heard in his own defence.

Proviso.

Penalty on pilot for carelessly losing a vessel.

Sec. 23. For carelessly or negligently losing a vessel, on conviction thereof, the pilot having charge of said vessel at the time, shall be incapable ever after of acting as pilot, and shall moreover be liable for damages on his bond. If a vessel be run ashore by a pilot, no pilotage shall be charged, and if negligently done, the pilot shall be liable for all damages.

Vessels run ashore by pilot.

Pilot to have vessel safely moored.

Sec. 24. It shall be the duty of every pilot in charge of a vessel arriving in the harbor, to have the vessel safely moored in such position as the master of the vessel or Harbor Master of the port may direct.

Complaints against pilots, and proceedings thereon.

Sec. 25. When complaint is lodged with the Commissioners against a pilot for misbehavior or neglect of duty, it shall be reduced to writing, and sworn to; notice thereof must be then given to the pilot, and he shall be notified to appear within fifteen days to answer the complaint. If the answer be not satisfactory, he may be fined not exceeding five hundred dollars, or deprived of his license, at the discretion of the Commissioners. An appeal may be made by the pilot within fifteen days from the decision of the Commissioners to the County Court of San Francisco.

A journal to be kept on board each pilot boat.

Sec. 26. Each and every pilot boat shall keep on board a journal, noting in detail all incidents of weather, and all discoveries which may be made of rocks, shoals, or bars, in the bay of San Francisco and vicinity, such as may be considered dangerous to

navigation ; false entries therein shall subject the parties so offending to fine or loss of license, or both, at the discretion of the Commissioners ; and the said journals shall be open to the inspection of the Commissioners.

Sec. 27. No person except those licensed by the Commission-
 ers, shall pilot vessels in or out of the harbor or bay of San Francisco for hire, under the penalty of five hundred dollars for each and every offence. This penalty is not incurred when the master of a vessel acts as his own pilot, or in case of distress.
Only licensed persons to act as pilots.
 Exception.

Sec. 28. Applications for pilots for vessels outward bound, shall be made at the office of the Commissioners. The Secretary shall then direct a pilot to such duty, giving preference to the pilot who brought the vessel in ; and a pilot refusing or neglecting, shall be fined not exceeding five hundred dollars, or suspended, according to the discretion of the Commissioners.
Pilots for vessels outward bound.

Sec. 29. The Commissioners may make all needful rules and regulations for the government of the pilots, and establish penalties for the breach thereof, and shall prepare printed instructions for pilots, and furnish each of them with a copy of such rules, regulations, and instructions, together with a copy of this act.
Rules for regulating pilots may be made.

Sec. 30. The pilot boats on the station, whenever a pilot is discharged from an outward bound vessel, shall give all reasonable aid for taking out and receiving such pilot, as also for sending him to the city or quarantine.
Pilot boats to aid pilots discharged from outward bound vessels to return to the city or quarantine.

Sec. 31. The following fees shall be charged by the pilots of the port of San Francisco :—
Fees to pilots.

1. For bringing in a vessel from or within a line of San Pedro, Farrallones, and Point de Los Reyes into the harbor, shall be eight dollars per foot draught.

2. For bringing in a vessel beyond the above-mentioned line, ten dollars per foot draught.

3. For piloting a vessel out of the harbor, eight dollars per foot draught.

4. Foreign vessels not entitled to equality by treaty, shall pay one fourth more than the above rates.

5. American or foreign men of war, twelve dollars per foot draught, either inward or outward bound.

Pilotage in certain cases depends on agreement of parties.

Sec. 32. The pilotage from quarantine to the anchorage opposite San Francisco, and for piloting vessels about the harbor, shall be at such rates as may be agreed on between the parties.

Per diem allowance to pilots where vessel detained by bad weather.

Sec. 33. Any vessel with a pilot on board being detained more than twenty-four hours by contrary winds, bad weather, or other cause not the fault of the pilot, shall pay to such pilot the sum of eight dollars per day, exclusive of his regular fees, for each day's detention, whether such vessel be inward or outward bound.

Pilot offering his services and rejected to have half pilotage.

Sec. 34. The pilot first offering his services to any vessel shall be entitled to half pilotage, though his services may be rejected; provided that all vessels engaged in the coasting trade of this State or Oregon, not exceeding one hundred and seventy-five tons burden, shall not be liable to the provisions of this section.

Proviso.

Pilots carried to sea entitled to per diem allowance.

Sec. 35. Pilots blown off or carried to sea against their will, when a boat is in attendance to receive them, shall be entitled to receive the sum of eight dollars per day while absent, which, if not paid by the master or owners, shall be collected from the consignee or consignees, or either of them.

Pilots to be compensated for extra services.

Sec. 36. The master, owner, or consignee of any vessel to whom any pilot may have rendered, upon request of either of them, any extra service for the preservation of such vessel, while in distress, shall pay such pilot, in addition to his regular fees, such amount as the Commissioners shall determine to be a reasonable and just reward; provided no special agreement shall have been made between such master, owner, or consignee of such vessel and the pilot.

Pilot to have full pilotage on board vessel signaling for a pilot.

Sec. 37. A pilot boarding any vessel having a signal for pilot, shall be entitled to receive full pilotage.

Cases of vessels unable to obtain a pilot, and afterwards lost, to be investigated.

Sec. 38. If a vessel, bound to San Francisco, be lost within the line of San Pedro, Farrallones, and de Los Reyes, having had a signal for a pilot, and been in sight of either of the above named points, and not having been able to procure a pilot, the Commissioners shall cause inquiry into the facts, when, if it shall appear that the pilots have been neglecting their duty, the Commissioners shall suspend or displace the parties guilty, and shall publish the result of their investigations.

Sec. 39. The Commissioners shall have power to assess all fines and penalties, either on the pilots or any other person or persons, for a violation of any of the provisions of this act, and shall have power to sue for and collect the same in their own name; the money so collected shall be appropriated to the use and benefit of the Marine Hospital, which may be established in San Francisco, and paid to such person as may be entitled by law to receive the same.

Assessment and application of penalties.

Sec. 40. The Commissioners shall be entitled to charge for each and every license to a pilot not exceeding the sum of fifty dollars; and any master of a coasting vessel, being an American citizen, can, upon application to the Pilot Commissioners, obtain a special license for the use of such vessel only, by paying unto said Commissioners for the same at the rate of one dollar per ton; all such vessels to be under one hundred and seventy-five tons.

Charge for pilot license.

Special license.

Sec. 41. The Commissioners shall be entitled to receive a per centage, which they shall determine, upon the joint earnings of the pilots, sufficient only to pay all necessary expenses for the employment of Secretary, rent of office, stationery, lights and fuel; at the end of twelve months, any surplus of such per centage over and above such expenses, shall be held in trust, and paid as prescribed in section thirty-nine of this act.

Commissioners entitled to a per centage on earnings of pilots.

Sec. 42. All claims against said Commissioners shall be considered at a stated meeting, and if correct shall be allowed and paid.

Claims against Commissioners.

Sec. 43. At the expiration of every six months, the Secretary shall cause to be published in a newspaper published in San Francisco, a full account of all receipts and expenditures for the said time.

Commissioners to publish account of receipts and expenditures.

Sec. 44. When cruising off or standing out to sea, pilots shall go to the vessels nearest shore, or in the most distress, under a penalty of one hundred dollars; and for refusing to go on board a vessel when required, a like penalty of one hundred dollars shall be imposed; and in either case, upon complaint and conviction, the pilot may be suspended or expelled, at the discretion of the Commissioner.

Pilots to go to vessels nearest the shore or in the most distress.

Sec. 45. Pilots shall at all times keep a boat in good condition

Pilots to keep at all times a seaworthy boat.

and seaworthy, and of sufficient capacity to cruise seaward beyond the headlands of the harbor; also, such boarding or row boats as shall be necessary.

Loss sustained by pilot in endeavoring to assist a vessel in distress, to be re-imbursed to him.

Sec. 46. If any pilot, in endeavoring to assist or relieve any vessel in distress, shall suffer loss or damage in his boats, sail, tackle, rigging, or appurtenances, the master, owner, or consignee of such vessel shall pay the value of such loss or damage, to be assessed by the Commissioners.

Pilots heretofore appointed subject to this act.

Sec. 47. Pilots heretofore appointed, or who may hereafter be appointed, shall conform to and be governed by the provisions of this Act and such quarantine laws as may hereafter be enacted.

Repeal of former act.

Sec. 48. That the Act entitled "an Act in relation to the appointment of pilots for the different ports and harbors of California," approved January the eighth, one thousand eight hundred and fifty, so far as relates to the port of San Francisco, be, and the same is hereby repealed.

CHAPTER CXXVII.

[LAWS OF 1852, p. 201.]

AN ACT to amend an Act, entitled "*An Act to establish Pilot Regulations for the Port of San Francisco*," passed February twenty-fifth, eighteen hundred and fifty.

[PASSED APRIL 27, 1852.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Former Act amended.

Section 1. Section first of an Act to establish Pilots and Pilot Regulations, for the Port of San Francisco, passed February twenty-fifth, eighteen hundred and fifty, is hereby amended, to read as follows: It shall be the duty of the Governor, after the term of office of the present incumbents has expired, to appoint and commission four persons to execute the office of Commissioner of Pilots for the port and harbor of San Francisco. Two of the persons so appointed shall be resident merchants, and two of said persons

Governor to appoint Commissioners.

Qualifications.

shall be experienced and resident shipmasters of San Francisco, who, together with the President of the Chamber of Commerce of the port of San Francisco, shall constitute a Board of Pilot Commissioners for the port and harbor of San Francisco. Said Com-
Term of office.
 missioners shall hold their office for the term of one year, and until their successors are appointed and qualified, unless sooner removed by the Governor. No such Commissioner shall be at the same time an officer of said Chamber of Commerce, excepting the President, as hereinbefore provided.

Sec. 2. Section ninth of said Act is hereby amended, to read Pay of Secretary and auditing of accounts.
 as follows: The Secretary shall receive for his compensation such sum as the Commissioners may deem just, not exceeding one hundred dollars per month for salary, rent of office, fuel, stationery, and all other expenses. The accounts of the Secretary and of the Board to be open at all times during the hours of business, to the inspection of the public, and the accounts of the Secretary shall be audited by the Board of Commissioners once in every month, and the accounts of the Board of Commissioners shall be audited semi-annually, and certificate thereof made by a committee of three, appointed by the Chamber of Commerce for that purpose; and said certificate shall be placed on file by the Secretary, subject to inspection by any person interested.

Sec. 3. Section twenty-first of the aforesaid Act is hereby Pilots to be licensed.
 amended, so as to read as follows: Not more than six pilots shall be in co-partnership at any one time, but it shall be the duty of the Commissioners to license as many pilots as may petition to be licensed. *Provided*, such petitioner shall have cruised six months on board one of the pilot boats in and about the harbor of San Francisco, and then passed an examination as provided in section twelve of this Act.

Sec. 4. *Provided*, that any citizen of California who shall have Who may be licensed.
 commanded for the term of one year as master or mate of a square rigged vessel, sailing out of the port of San Francisco, shall be admitted without the service qualification required in this Act, on his giving satisfactory evidence to the Commissioners of his practical acquaintance with the duties required in section twelve of this Act.

Sec. 5. Section twenty-eight of the aforesaid Act is hereby Applications for pilots to be made

at the office of the
Commissioner.

amended, to read as follows: All applications for pilots for vessels outward bound, shall be made at the office of the Commissioners, and the fee for pilotage shall then and there be paid, and the Secretary shall immediately pay over the same to the pilot upon his application therefor. The pilot who has brought a vessel into port, and given notice to the Secretary of the fact, shall have exclusive right to take her out, unless he has misbehaved during the time he had charge of such vessel; and every pilot having a right, or being entitled to take a vessel out as aforesaid, may do so in person, or procure another pilot out of the boat to which he is attached, to attend for him on such outward bound vessel: *Provided*, that the said pilot or his agent shall present himself whenever said vessel is ready for sea. Any person who shall attempt to pilot out a vessel, not being entitled to do so, shall be liable to the pilot who had the right in the amount of pilotage due or paid for carrying her out.

CHAPTER LXXVII.

[LAWS OF 1850, p. 196.]

AN ACT to create Port Wardens for the cities of San Francisco and Sacramento, and other Ports of California.

[PASSED APRIL 10, 1850.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Number of
Port Wardens,
and mode of
appointment.

Section 1. There shall be two Port Wardens for the port and harbor of San Francisco, and one for Sacramento City, and for each and every other port of entry within this State, who shall be appointed by the Governor, and shall hold office for the term of two years, and until their successors shall be appointed and qualified. Before entering upon the duties of their office, they shall take oath before some person authorized by law to administer oaths, for the faithful performance of their duties. *Provided*, that nothing shall be construed in this Act to give authority to Port Wardens to sell or dispose of any property that may have been surveyed by them without the consent of the owners or agents of the same.

PROVISO.

Sec. 2. It shall be the duty of the Port Wardens, or either of them, when required, to survey or cause to be surveyed any and all vessels, whether for loss of sails, rigging, spars, or other damage caused by stress of weather at sea or otherwise, and to survey the hatches and the stowage of the cargo under deck.

To survey all vessels damaged by stress of weather.

Sec. 3. It shall also be the duty of the Port Wardens to survey any and all vessels arriving in distress, to survey the cargo in part or in whole laden on board such vessel, to inspect any goods or merchandize whether for account of underwriters or others.

To survey all vessels arriving in distress.

Sec. 4. In case sales shall be made at auction under their direction, they shall give at least three days' notice of the same by publication in a newspaper published at the place where said survey is made, describing the articles to be sold, and by what vessel imported; should there be no paper published at the place where a sale may be had, written notice of such sale shall be posted up in the vicinity.

Sales by auction under direction of Port Wardens.

Sec. 5. The Port Wardens shall furnish a certificate of the result of all surveys held, which shall be recorded in a book to be kept by them for the purpose; said certificate shall contain a full statement of the facts, whether the goods or merchandize are damaged or not; if damaged, the cause of such damage as nearly as may be, as also the degree of per centum of the injury sustained. A like report shall be made upon the survey of vessels.

Certificates of results of all surveys to be recorded, and form of certificate.

Sec. 6. For each and every survey the Port Wardens shall be entitled to the sum of fifteen dollars, which shall be paid by the owners, master, or consignees. Foreign vessels not admitted by treaty on terms of equality with American bottoms, shall pay fifty per cent. advance on the above rates.

Fees for survey.

Sec. 7. When upon examination by the Wardens, separate certificates are required by different consignees, the Wardens shall be entitled to fees in each case, but no extra charge shall be allowed for certificates in duplicate.

Fees for separate certificates.

CHAPTER CVII.

[LAWS OF 1851, p. 423.]

AN ACT *to authorize the Governor of this State to remove and appoint Port Wardens.*

[PASSED MARCH 7, 1851.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Governor may
dismiss Port
Wardens, &c.

Sec. 1. The Governor of this State shall be and he is hereby authorized to dismiss from office any Port Wardens appointed by him at any time when sufficient cause shall be presented to justify the same, and to appoint another in his place, by and with the advice and consent of the Senate.

Governor may
increase the
number of Port
Wardens.

Sec. 2. The Governor of this State shall be and he is hereby authorized to increase, if necessary, the number of Port Wardens for the Port and City of San Francisco to four, and also all other ports and harbors within this State, two Port Wardens, by and with the advice and consent of the Senate.

CHAPTER LXIII.

[LAWS OF 1852, p. 136.]

AN ACT *to amend an Act entitled "An Act to authorize the Governor of this State to remove and appoint Port Wardens," approved March seventh, one thousand eight hundred and fifty-one.*

[PASSED FEBRUARY 28, 1852.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Governor to
dismiss and
appoint.

Section 1. Section first of the above entitled Act, which reads as follows : "The Governor of this State shall be and he is hereby authorized to dismiss from office any Port Wardens, appointed by him, at any time when sufficient cause shall be presented to justify

the same, and to appoint another in his place, by and with the advice and consent of the Senate," be and the same is hereby amended to read as follows: "The Governor of this State shall have power to dismiss from office any Port Warden at any time, when, in his opinion, sufficient cause exists therefor, and by and with the advice and consent of the Senate, to appoint another in his place, and to fill any vacancy that may occur by death, resignation, or otherwise.

Sec. 2. This Act shall take effect from and after its passage. Commencement of this Act.

CHAPTER CXXVIII.

[LAWS OF 1852, p. 203.]

AN ACT *regulating the duties of Harbor Master of the Port of San Francisco.*

[PASSED MAY 1, 1852.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. The qualified electors of the city of San Francisco shall, at their annual charter election, elect by ballot, a Harbor Master for the port of San Francisco, who shall hold his office for one year from the first day of January next succeeding the election, or until his successor is qualified. Before entering upon the duties of said office, the Harbor Master shall execute a bond to this State, with two sufficient sureties to be approved by the Mayor of said city, in the sum of ten thousand dollars, conditioned for the faithful and impartial fulfilment of the duties required by this Act, and shall also take an oath truly and faithfully to execute the same. Election by the people.

Sec. 2. If a vacancy occurs in the office of Harbor Master, it shall be filled by appointment by the Governor, until the next regular election. Vacancy.

Sec. 3. The Harbor Master shall have power to appoint a deputy, for whose acts he shall be responsible on his official bond. a Power to appoint a Deputy.

Duties of Harbor
Master.

Sec. 4. The Harbor Master shall have full authority to regulate and station all ships, steamers, and other craft in the harbor of San Francisco, and to remove, from time to time, such ships, steamers, and other craft, as are not engaged in receiving or discharging cargo. As to the fact of their being fairly and *bona fide* employed in discharging or receiving cargo, the Harbor Master shall be the sole judge. But any party aggrieved by the decision of the Harbor Master, may bring suit against him for damages in the District or Superior Court, and shall have judgment according to the evidence.

Penalties for
neglect.

Sec. 5. If any master or other person having charge of any ship, steamer, or other craft, shall refuse or neglect to obey his directions, in any way pertaining to his regulations of the port, such master or other person so offending, shall forfeit and pay the sum of three hundred dollars, to be recovered with costs of suit before the Recorder of the city of San Francisco, by an action in the name of the Harbor Master, who shall be a competent witness in the case. All sums recovered under the provisions of this section, shall be paid over to the Treasurer of the State Marine Hospital, at San Francisco, for its use and benefit.

Fees.

Sec. 6. The Harbor Master shall have power to demand and receive from all masters, consignees, or owners of all vessels entering the port of San Francisco, four cents per ton, to be computed from her register or enrollment at the custom house. *Provided*, that on all steamers and sail vessels, plying between San Francisco and other ports coastwise, the following fees, and no other, shall be chargeable: On all under one hundred tons, two dollars; on all over one hundred and under three hundred tons, four dollars; on all over three hundred and under one thousand tons, eight dollars; and on all over one thousand tons, ten dollars.

Cases of collision.

Sec. 7. The Harbor Master is authorized and empowered to hear and determine any controversy in cases of collision, which may be submitted to him by consent of the parties interested; and when damages are allowed by him, not exceeding three hundred dollars, his decision shall be final. For the determination of any such question, he shall be entitled to the sum of ten dollars.

Fees payable
within forty-eight
hours.

Sec. 8. The fees of the Harbor Master shall be payable at his office, within forty-eight hours after the vessel has been entered

at the custom house. If not paid within this time, double the Penalty. amount of fees shall be charged, and may be recovered by action in the name of the Harbor Master, in the Recorder's Court of the city of San Francisco, with costs of suit. When double fees are collected, one half shall be paid over to the Treasurer of the State Marine Hospital, at San Francisco, for its use and benefit.

Sec. 9. It shall be the duty of the Harbor Master to superin- Harbor Master's duty. tend and enforce the execution of all laws of this State and ordinances of the city of San Francisco, not conflicting with said laws in relation to the removal of obstructions from the harbor, the cleaning of the docks and wharves, and the prevention and removal of nuisances in or upon them. He shall take in charge all abandoned vessels, all sunken water craft, and all boats picked up adrift, and place the same in safety. After which, he shall advertise for one week the full particulars pertaining to the same, and require all parties interested to come forward and make good their claims within twenty days. If claimed within twenty days after the advertisement, such property shall be delivered to the owner on payment of all costs of securing and removing it. If not claimed within that time, or if the owner fails to pay said costs, such property shall be sold by the Harbor Master, and the proceeds, deducting all costs and expenses, shall be paid to the owner; or if not claimed, to the Treasurer of the State Marine Hospital, at San Francisco, for the use of the Hospital.

Sec. 10. The Act regulating the duties of Harbor Master of the port of San Francisco, and for other purposes, passed March eleventh, one thousand eight hundred and fifty, is hereby repealed. But this repeal shall not affect the right of the present incumbent of the office of Harbor Master, elected under said Act, to hold and enjoy said office, and to exercise the powers conferred, and to claim and receive the compensation allowed by this Act, nor to affect anything heretofore done or right acquired, or action or proceeding commenced under the provisions of the Act which is repealed. Conflicting laws repealed.

CHAPTER XXVII.

[LAWS OF 1851, p. 208.]

AN ACT *to provide a Revenue for the State Marine Hospital at San Francisco.*

[PASSED MAY 1, 1851.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Vessels arriving
at San Francisco
to be reported.

Section 1. Within forty-eight hours after the arrival of any and all vessels at the port of San Francisco, or within the Bay thereof, from any port or place without the United States, and before such vessel shall leave said port or bay of San Francisco, for any other port or place, the master or commander thereof shall make a report in writing, on oath or affirmation, to the Treasurer of the State Marine Hospital at San Francisco, which report shall state the name, age, size, complexion, and such other description of the person or persons named in said report, as will enable them to be known, and the whole number of cabin and steerage passengers on board of such vessel, and also the name and residence of the owner or owners and consignees of such vessel. If any master or commander shall refuse or neglect to report fully, as aforesaid, or shall make a false report or statement, he shall forfeit and pay not less than five hundred dollars for each refusal or false report, for which the master, owner, or owners, of such vessel shall be liable, jointly and severally, and which may be sued for and recovered, in any court of competent jurisdiction, in the name, and for the use and benefit of the State Marine Hospital at San Francisco: *Provided, however,* that nothing in this section shall be so construed as to require the master or commander in his report to render the name of any citizen of the United States, who may come direct en route from any other State into this State.

Master, &c., of
vessels arriving
at San Francisco
to give bond.

Sec. 2. It shall be the duty of the Treasurer of the State Marine Hospital at San Francisco, to require the master, owner, or owners of all vessels on which said passengers have arrived, to give a several bond to the State Marine Hospital at San Francisco, in a penalty of two hundred dollars, for each and every passenger included in the report required to be made by the first section of this Act; conditioned to indemnify and save harmless the State

Marine Hospital at San Francisco, and each and every city, township, and county of this State, from any cost or charge which the said Hospital, or such city, township, or county shall incur for the relief, support, or medical care of the person named in the bond, within two years from the date of the bond. Each bond so given shall be secured by two or more sufficient sureties, being residents of this State, each of whom shall prove to the satisfaction of the Treasurer of said Hospital that he is the owner of a freehold in this State, of the value of three hundred dollars, over and above any claim or lien thereon against him, including any contingent claim, which may accrue from or upon any former bond, given under the provisions of this Act: *Provided, however,* that the master, owner, or owners, may commute for the bond above required, by the payment in money for each cabin passenger, according to the first section of this Act, five dollars; for each deck passenger, according to the first section of this Act, three dollars. If any master, owner, or owners, of any vessel shall refuse or neglect to give a bond, as prescribed in this section, or pay the commutation money, he or they shall forfeit and pay a sum not less than five hundred, nor more than two thousand dollars, to be sued for and collected in any court having jurisdiction of the same, for the use and benefit of the State Marine Hospital at San Francisco.

Sec. 3. The Treasurer of said Hospital shall give to the master, owner, or owners, who may have paid commutation money, a receipt containing all the names of passengers, for whom such commutation shall have been paid; and all sums of commutation money thus received shall form part and parcel of the funds of the State Marine Hospital at San Francisco.

Sec. 4. It shall be the duty of the Tax Collector of taxes in the County of San Francisco to make a distinct report of all moneys received by him on account of licenses to hawkers and peddlars, and also, all moneys received on account of auction sales, and for licenses for gaming: which report shall be given to the County Treasurer; and upon the receipt of the money thus collected and paid over, it shall be the duty of the County Treasurer to place to the credit of the State Marine Hospital at San Francisco half of the amounts so received; which shall be paid over monthly to the State Marine Hospital at San Francisco upon the order of the Trustees of said Institution: *Provided,* such amount does not exceed thirty thousand dollars.

Ship brokers,
&c., to render a
statement, on
oath, of all
passengers
shipped, &c.

Sec. 5. It shall be the duty of all ship brokers and agents, or shipping masters, to make out a monthly statement under oath, of any and all passengers shipped by any and all vessels, and any and all sailors and marines, as the case may be, engaged to go on board of any vessel leaving the port of San Francisco, bound for any port out of this State; such report shall be made to the Treasurer of the State Marine Hospital at San Francisco; and shall pay to the Treasurer fifty cents for each passenger shipped, or sailor or marine engaged to go on board of any vessel. Which sum, or sums of money, shall form part and parcel of the funds of State Marine Hospital at San Francisco.

Hospital cards,
and box, to be
placed in cabins.

Sec. 6. It shall be the duty of the master or commander of each steamer, or other vessel of any kind, running to and from the port of San Francisco, to have placed in some conspicuous part of the cabin, or cabins, one or more cards; which shall be furnished by the Treasurer of the State Marine Hospital at San Francisco, upon the application of the master of said vessels for the same; informing all persons who may desire it, that they can, by the payment of five dollars to either the Treasurer of the State Marine Hospital at San Francisco, or to the master of said vessel, obtain admission into the State Marine Hospital at San Francisco, at any time within a year from the date of the receipt of the Treasurer, or master, as the case may be. It shall be the duty of the master of all vessels to call the attention of his passengers to these Hospital cards, at least once on each voyage. It shall also be the duty of the master of any and all steamers, or other vessels, to provide a box, which shall be called the Charity Hospital Box; and place the same in the cabin of said steamer, or vessel, labelled, "The Charity Hospital Box;" into which any and all persons who are desirous of so doing, may deposit any contribution whatever for the use and support of said Hospital. It shall be the duty of all masters of steamers, and other vessels plying as aforesaid to and from the port of San Francisco, to make a report under oath of all sums of money received; giving the names, age, size, and otherwise describe the individual paying the same, so as to correspond with the receipt given them and the amounts which may be deposited in the Charity Hospital Box, twice in each month; and pay over all such sums to the Treasurer of the State Marine Hospital at San Francisco. In all receipts given by the master of any vessel for moneys received for said Hospital, such receipt shall specify the name, age, size and otherwise describe the individual

paying the same ; so that he, she, or they, may, at any time within twelve months, be admitted into the State Marine Hospital at San Francisco, as a patient, upon the production of said receipt. If any master of any steamer, or other vessel navigating the waters or running to and from the port of San Francisco, shall refuse or neglect to comply with the provisions of this Act, he or they shall forfeit and pay not less than five hundred dollars for each and every refusal or neglect ; to be sued for, and collected as in other cases, for the use and benefit of the State Marine Hospital at San Francisco.

Sec. 7. The corporate authorities of the city of San Francisco are hereby authorized to send the sick and invalids of the city to the State Marine Hospital at San Francisco, upon such terms as the city authorities and the Trustees of the State Marine Hospital at San Francisco, may agree ; *Provided*, the amount shall not exceed fifty thousand dollars per annum, for such purpose. It shall also be lawful for the Collector of the port at San Francisco, to send all sick and disabled seamen to the State Marine Hospital at San Francisco, upon such terms and under such rules and restrictions, as shall be agreed upon between the Collector and the Trustees of the State Marine Hospital at San Francisco.

Sick and disabled
persons to be
sent to State
Marine Hospital.

CHAPTER CXXX.

[LAWS OF 1851, p. 511.]

AN ACT *to provide for the establishment of a State Marine Hospital at San Francisco.*

[PASSED APRIL 30, 1851.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Section 1. There shall be established in the city of San Francisco, and for the State of California, a Hospital, to be called the State Marine Hospital at San Francisco.

State Marine
Hospital at
San Francisco
established.

Sec. 2. There shall be elected annually, by the Legislature, Board of Trustees.

five suitable persons, residents of said city, to hold office for the term of one year, or until their successors shall be elected and qualified, who, together with the Mayor and President of the Chamber of Commerce of said city, shall constitute a Board of Trustees, of which the Mayor shall be President. They shall choose from their own number a Vice-President, who, in the absence of the President, shall perform his duties. If any vacancies occur in the Board of Trustees, by death, resignation, or otherwise, the Governor shall appoint some suitable person for the unexpired term.

President and
Vice-President.

Vacancies.

Meetings of
Trustees.

Sec. 3. The Board of Trustees shall meet on the first Mondays of each month, or oftener, if necessary; and three members and the President, or if the President be absent, then four members shall constitute a quorum for the transaction of all business. They shall keep, or cause to be kept, a record of their proceedings, which shall be open to the inspection of the Legislature, or a committee appointed by them for that purpose.

Powers of
Trustees.

Sec. 4. The Board of Trustees shall have full power and authority to control and administer the affairs of the said State Marine Hospital at San Francisco, to rent or to purchase, to retain and improve its property, of whatsoever kind or nature it may be, and to accept of any donation or legacy in the name and for the benefit of the State Marine Hospital at San Francisco, to sue and defend on behalf of said Hospital, and to appoint persons suitable and necessary to be employed in the State Marine Hospital at San Francisco, to fix their compensation; but they shall not alienate, sell, or dispose of in any way, property belonging to, or claimed by, the State Marine Hospital at San Francisco, without the consent of the Legislature.

Trustees to
report annually.

Sec. 5. The Board of Trustees shall make a detailed report annually to the Legislature during the first week of its session, showing therein the amount of receipts and expenditures, the condition of the property of the State Marine Hospital at San Francisco, the number of patients admitted during the year, their names, diseases, and places of nativity, the number who have died, were cured or discharged, and the number remaining in the State Marine Hospital at San Francisco, at the end of the year.

Trustees may
make and en-

Sec. 6. The Board of Trustees are thereby empowered to

form, adopt, and put into execution, all ordinances and by-laws ^{force by-laws, &c.} requisite for the government of themselves and the State Marine Hospital at San Francisco: *Provided*, such ordinances and by-laws are not repugnant to the laws of the United States, or of this State, or of the ordinances of the city of San Francisco.

Sec. 7. Any member of the Board of Trustees who shall not ^{Dismissal of Trustees.} have attended the regular meetings of the Board for three successive sittings, unless prevented by sickness or some other reasonable cause, or may be convicted in a criminal suit, shall be dismissed from office, and the vacancy filled by the Governor.

Sec. 8. A Treasurer shall be chosen by the Board of Trustees, who shall hold his office at the will of the Board, and who, ^{Treasurer. his term of office, and duties.} before entering upon the duties of the office, shall give bond to the Board of Trustees, with good and sufficient sureties, in the sum of thirty thousand dollars, conditioned to be paid to the said Board of Trustees, upon a failure to discharge, faithfully, the duties of his office. It shall be his duty to collect all debts due the State Marine Hospital at San Francisco, to keep a correct account of its property, credits, and revenues, and such other duties connected with his office as the Board of Trustees may direct, and to make all such disbursements as shall have been previously authorized by the Board of Trustees, and not otherwise, and to make a monthly report to the Board of Trustees.

Sec. 9. There shall be elected by the Legislature after the ^{Two Visiting Physicians.} passage of this Act, and every two years thereafter, two Visiting Physicians, who shall be regular graduates in medicine, and who shall have practiced their profession at least five years from the date of their diplomas; they shall visit the said State Marine Hospital at San Francisco twice every day, unless prevented by sickness; they shall take charge of the medical and surgical wards, and shall prescribe for the sick therein, and shall keep records of all prescriptions. They shall each receive a salary of five thousand dollars a year, to be paid quarterly by the Treasurer of said State Marine Hospital at San Francisco. There shall also be elected by the Legislature, after the passage of this Act, and every two years thereafter, a Resident Physician, who shall be a graduate in medicine, and shall have practiced at least five years from the date of his diploma; it shall be his duty to have a general supervision of ^{Resident Physician.} said State Marine Hospital at San Francisco, to see that the

patients are properly cared for, that the prescriptions and orders of the Visiting Physicians are duly and properly executed, and shall prescribe for patients in cases of emergency, and those entering during the absence of the Visiting Physicians; he shall discharge such other duties required of him by the Board of Trustees, and appertaining to his office. He shall reside within the State Marine Hospital at San Francisco, and shall receive a salary of five thousand dollars a year, to be paid quarterly by the Treasurer of said State Marine Hospital at San Francisco. Said Resident Physician shall not be allowed to engage in any private practice, but shall at all times be in attendance at the State Marine Hospital at San Francisco: *Provided*, however, that no officer created by this Act shall reserve or be entitled to any pay until the said State Marine Hospital at San Francisco shall have been duly organized and ready for operation.

Removal of
Physicians.

Sec. 10. If either the Resident or Visiting Physician shall absent themselves without the consent of the Board of Trustees, or neglect to discharge their duties as hereinbefore mentioned, he or they shall be suspended from office by the Board of Trustees, with the assent and approbation of the Governor, till the meeting of the next Legislature, which, after having the representations of the Board of Trustees and Physician so suspended, shall either dismiss or reinstate him. Any vacancy which shall be made by a suspension, death, or resignation of either or both of the Visiting Physicians, or the Resident Physician, shall be filled by the Board of Trustees, with a person or persons having the prescribed qualifications.

Vacancies, how
filled.

Party in health
may secure
advantages of
Hospital.

Sec. 11. It shall be the duty of the Treasurer of the said State Marine Hospital at San Francisco, upon the presentation of a certificate from the Resident Physician, that the party applying is in good health, and on the payment of five dollars, to enter upon a book which shall be kept for that purpose, the name, age, and description of the person so applying, and give to the person so applying a corresponding receipt, which receipt shall admit the party to whom such receipt is given to all the benefits of said State Marine Hospital at San Francisco, for the term of one year from the date of said receipt.

Terms for
admitting
invalids to
Hospital.

Sec. 12. All persons desirous of being admitted into the State Marine Hospital at San Francisco who are invalids, shall apply to

the Resident Physician, and upon the certificate of said Physician and the payment of such fees as shall from time to time be agreed upon by the Trustees of said Institution, which fees shall form part and parcel of the funds of said State Marine Hospital at San Francisco, he, she, or they shall be admitted as a patient into said State Marine Hospital at San Francisco, and shall be permitted to remain as long as said person is an invalid, and said fees are promptly paid: *Provided, however*, that no one shall be admitted under the provisions of this section, to the prejudice of those who may have complied with the provisions of the eleventh section, or of the indigent sick, who are objects of State charity, and who have been admitted to the State Marine Hospital at San Francisco by the authority of the Trustees.

Sec. 13. It shall be the duty of the persons heretofore constituting the Board of Health to deliver to the said Board of Trustees all of the property, both real and personal, held by them in trust for the State Marine Hospital at San Francisco; and it shall be the duty of the Board of Trustees of the said State Marine Hospital at San Francisco to take care of and provide for the patients which may be in the State Marine Hospital at San Francisco at the time this Act shall take effect, and all moneys now belonging to the State Marine Hospital shall be transferred to the Trustees of the said State Marine Hospital at San Francisco; and the said Trustees shall pay out of any funds which may come into their hands all of the debts which may be owing by the said State Marine Hospital, which have been created in accordance with the Marine Hospital law.

Sec. 14. No Trustee, officer, or employee of the State Marine Hospital at San Francisco shall have any interest in any undertaking or contract for account of said State Marine Hospital at San Francisco, and any violation of this section shall operate as a forfeiture of office, and no officer shall be allowed to charge or appropriate any fee or perquisite to his own use.

Sec. 15. The Trustees are prohibited from borrowing money or incurring any responsibility or debts which shall in the aggregate exceed the sum of ten thous and dollars, and no rate of interest shall be allowed exceeding the legal rate of interest as established by the State.

The late Board of Health to deliver to Trustees property held in trust.

Trustees, &c., not to be interested in contracts.

Trustees not to borrow money. &c., exceeding \$10,000.

Resident Physician to keep account of property of decedents in Hospital.

Sec. 16. The Resident Physician shall cause to be kept an exact account in a book for the purpose, of all effects of persons who may die at the State Marine Hospital at San Francisco, the date of receipts, the name of the owner, and a full description of the property ; if in money the same shall at once be placed in the hands of the Treasurer, which shall constitute a part of the General Fund of the State Marine Hospital at San Francisco, unless claimed by some person legally entitled thereto. All other property of said deceased persons, if not claimed in a reasonable time, shall be sold by the Trustees, and the funds accruing therefrom shall be in like manner disposed of.

Property to be sold.

Trustees to audit claims on Hospital.

Sec. 17. The Trustees shall audit all bills against the State Marine Hospital at San Francisco, and all accounts or bills thus audited shall be paid out of the General Fund of the State Marine Hospital at San Francisco, on the order of the Resident Physician, countersigned by the President of the Board of Trustees.

Former laws repealed.

Sec. 18. The Act providing for the creation of a Marine Hospital for the State of California, approved April ninth, eighteen hundred and fifty ; also an Act amendatory of an Act providing for the creation of a Marine Hospital for the State of California, approved February, eighteen hundred and fifty-one, be, and the same are hereby, repealed. No suit or suits, claim or claims shall be affected by such repeal.

Effect of repeal.

CHAPTER VI.

[LAWS OF 1852, p. 45.]

AN ACT to amend "an Act to provide a Revenue for the State Marine Hospital at San Francisco," passed March twenty-sixth, eighteen hundred and fifty-one.

[PASSED MAY 3, 1852.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Section 1. The first section of "an Act to provide Revenue for the State Marine Hospital at San Francisco, passed March twenty-sixth, eighteen hundred and fifty-one, is repealed. Former Act amended.

Sec. 2. The fourth section of said Act is amended so as to read as follows : "Section Four." It shall be the duty of the Tax Collector of taxes in the County of San Francisco, to make a distinct report of all moneys received by him account of Licenses to Hawkers and Pedlars, and also all money received on account of Auction sales, and for licenses for gaming ; which report shall be given to the County Treasurer, and upon the receipt of the money thus collected and paid over, it shall be the duty of the County Treasurer, to place to the credit of the "State Marine Hospital at San Francisco," one-half of the amounts so received, which shall be paid over monthly to the State Marine Hospital at San Francisco, upon the order of the Trustees of said Institution, to be applied to the support of the Hospital, and also to pay over monthly to the said Hospital, in the same manner, the one-fourth of the amount for licenses for gaming, so received, which has been heretofore paid into the Treasury of the City of San Francisco, to be applied to the payment of the debt of the former "State Marine Hospital ;" and after all said debts shall have been paid, then to be set aside by the Trustees as a building fund, and to be devoted to the purchase of land, and the erection of suitable buildings thereon for a Hospital, and to no other purpose. And all laws and parts of laws directing any portion of moneys received on account of said licenses to be paid into the Treasury of the City of San Francisco, are repealed. to Disposition of certain State revenue. Hospital Fund. Building Fund. Former laws repealed.

Sec. 3. The fifth section of said act is amended so as to read Former Act amended.

as follows : " Section Five." Every person engaged in the business of a Ship-Broker or agent, or Shipping Master, shall take out a license to carry on said business, as prescribed in this section ; and for carrying on such business without said license, shall be liable to a penalty of five hundred dollars, for each week, to be recovered in any court having jurisdiction, by an action in the name of the Board of Trustees of the " State Marine Hospital at San Francisco." The Treasurer of the Hospital shall make out, sign and deliver to the Treasurer of the City of San Francisco, blank licenses, which the said Treasurer of the City also shall sign, and deliver, one to each person applying therefor, who shall tender to him an undertaking, in a sum not less than one hundred dollars, nor more than five thousand dollars, with sufficient security that he will, thirty days thereafter, present the report required by this section, and pay to the Board of Trustees of said Hospital, the amount which shall be due for the said license. The Treasurer of the City shall determine upon the sufficiency of the sureties, and fix the amount of the undertaking at such a sum as will be fully sufficient to cover the license tax, and within ten days after he has received it, shall deliver the undertaking to the Treasurer of said Hospital. Upon the thirtieth day after the license is issued to him, the person obtaining it shall present to the Treasurer of said Hospital, a report, under oath, of the number of passengers shipped by any and all vessels, for which he was agent, and any and all sailors and mariners, engaged to go on board of any vessel leaving the port of San Francisco, bound for any other port out of this State, specifying the name of each vessel, and the day of her sailing, and shall pay to the said Treasurer, as the license tax for the preceding month, one dollar for each of said passengers, sailors or mariners. Upon payment of the license tax, the Treasurer of the Hospital shall deliver up the undertaking to the person by whom it was given, endorsing upon it a receipt for the tax paid. In case of failure to present such report, or to pay said license tax on said thirtieth day, the Board of Trustees of said Hospital, may commence an action on the undertaking, and recover the whole sum therein named. If a false report is made, the person making it shall be subject to a penalty of one thousand dollars, to be recovered by the Board of Trustees by action. The license tax, together with all sums recovered under the provisions of this section, shall be applied to the use of the Hospital.

Ship Broker's
license and
penalty.

Treasurer of
Hospital to issue
licenses.

Undertaking.

City Treasurer to
fix the amount.

Report of ship
broker.

License tax.

Undertaking to
be delivered up.

Penalty for not
presenting
report.

False report.

Former section
repealed.

Sec. 4. The sixth section of said Act is repealed.

Sec. 5. An additional section shall be added to said Act, as Commuters, &c. follows: "Section Eight." Any passenger for whom commutation money has been paid, shall be entitled to admission into the Hospital at any time within twelve months from the date of the payment.

CHAPTER LXIX.

[LAWS OF 1852, p. 140.]

AN ACT to amend an Act to provide for the establishment of a State Marine Hospital at San Francisco, approved April, thirtieth, one thousand eight hundred and fifty-one.

[PASSED MAY 3, 1852.]

The People of the State of California represented in Senate and Assembly, do enact as follows:

Section 1. The fourth section of the Act to provide for the establishment of a State Marine Hospital at San Francisco, approved April thirtieth, one thousand eight hundred and fifty-one, is amended so as to read as follows: Section 4. The Board of Trustees shall have full power and authority to control and administer the affairs of the said State Marine Hospital at San Francisco; to rent buildings necessary for its purposes; to purchase land in the city of San Francisco, and to erect thereon suitable buildings: but all such buildings shall be substantially built of brick or stone, and so constructed as to be proof against fire; to improve its property, of whatsoever kind or nature it may be, and to accept of any donation or legacy in the name and for the benefit of the State Marine Hospital at San Francisco; to sue and defend on behalf of said Hospital; to adjust, compromise and settle any claims it may have; to appoint persons suitable and necessary to be employed in the Hospital, and to fix their compensation; but the Board of Trustees shall have no power to alienate, sell, mortgage, or dispose of in any way any real estate belonging to or claimed by the State Marine Hospital at San Francisco, without the consent of the Legislature. Nor shall any of the property of the Hospital be made liable in any manner for any debt which may be contracted by the Board of Trustees.

Section four of former Act amended.

Powers and duties of Board of Trustees.

Trustees to have no control of the real estate without consent of Legislature.

Property of Hospital not liable for acts of Trustees.

Section 9 of
former Act
amended.

Visiting and
Resident
Physicians to be
elected by the
Legislature.

Their salary.

Duties of the
Visiting
Physician.

Duties of the
Resident
Physician.

Resident
Physician shall
not engage in
private practice.

Term of office
of Visiting and
Resident
Physicians.

Sec. 2. The ninth section of said Act is amended so as to read as follows: Section 9. There shall be elected by the next Legislature, and by the Legislature every two years thereafter, a Visiting Physician and a Resident Physician, who shall be regular graduates in medicine and who shall have practised their profession at least five years from the date of their diplomas. They shall each receive a salary of five thousand dollars a year, to be paid quarterly by the Treasurer of the said Marine Hospital at San Francisco. It shall be the duty of the Visiting Physician to visit the Hospital twice every day, unless prevented by sickness; to take charge of the Medical and Surgical Wards, and to prescribe for the sick therein, keeping records of all prescriptions. The Resident Physician shall have a general supervision of said Hospital; it shall be his duty to see that the patients are properly cared for, and that the prescriptions and orders of the Visiting Physician are duly and properly executed; to prescribe for patients in cases of emergency, and for those entering during the absence of the Visiting Physician, and to discharge such other duties appertaining to his office as may be required of him by the Board of Trustees; he shall not engage in any private practice, but shall reside in and at all times be in attendance at the Hospital. The offices of Visiting and Resident Physicians shall be filled by the present incumbents, until the time for which they were elected shall expire.

Section 10 of
former Act
amended.

Penalties for
non-performance
of duty.

To be referred
to the next
Legislature.

Board of Trustees
to fill
vacancy until
the meeting of
next Legislature.

Sec. 3. The tenth section of said Act is amended so as to read as follows: Section 10. If either the Resident or Visiting Physicians shall absent themselves without the consent of the Board of Trustees, or neglect to discharge their duties as hereinbefore mentioned, he or they shall be suspended from office by the Board of Trustees, with the assent and approbation of the Governor, until the meeting of the next Legislature, which, after hearing the representations of the Board of Trustees and Physician so suspended, shall either dismiss or reinstate him. Any vacancy which shall be made by a suspension, death, or resignation of the Visiting Physician or the Resident Physician, shall be filled by the Board of Trustees by appointment of a person having the prescribed qualification, who shall hold his office until the next session of the Legislature.

Section 15 of
former Act
amended.
Trustees not to

Sec. 4. Fifteenth section of said Act is amended so as to read as follows: Section 15. The Trustees shall have no power to bor-

row money or contract any debt which cannot be paid out of the revenue provided for the support of the Hospital. involve the Hospital in debt.

CHAPTER XXXVI.

[LAWS OF 1852, p. 78.]

AN ACT *Concerning Passengers arriving in the Ports of the State of California.*

[PASSED MAY 3, 1852.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Section 1. Within twenty-four hours after the landing of any passenger, from any vessel arriving at any of the ports of this State, from any of the United States, other than this State, or from any country out of the United States, the master or commander of the vessel, from which such passenger or passengers shall have been landed, shall make a report, in writing, on oath Masters of vessels, their duties after arrival. or affirmation, to the Mayor, or chief municipal officer, at such port, (or in case of his absence or inability to serve, to the person discharging the duties of his office,) which report shall state the name, place of birth, last legal residence, age and occupation, of every person or passenger who shall have landed from such vessel, in her last voyage, to such port, not being a citizen of the United States, and who shall have within the last preceding twelve months, arrived from any country out of the United States, at any place within the United States, and who shall not have been bonded, or who have paid the commutation money, according to the provisions of this Act or any former Act. The said report shall contain a like statement of all such persons or passengers as shall have landed or been suffered to land, from any such vessel, at any place during her said last voyage, or who shall have gone on board of any vessel with the intention of coming into this State. The said report shall further specify, if either or any of said passengers or persons, so reported, are lunatic, idiot, deaf, dumb, blind, crippled or infirm; and if so, whether they are accompanied by any relatives likely to be able to support them. It shall also specify, particularly, the names, last place of residence, and ages of all Report. Contents.

passengers who may have died during the said last voyage of such vessel, also the names and residence of the owner or owners of such vessel. It shall also specify whether any of said passengers are persons convicted of any infamous crime, or of a felony, so far as the same may be within the knowledge of said master or commander. In case any such master or commander shall omit or neglect to report, as aforesaid, any such person or passengers, with the particulars aforesaid, or shall make any false report or statement in respect to any person or passengers, or in respect to the owner or owners of any such vessel, or in respect to all or any of the particulars hereinbefore specified, such master or commander shall forfeit the sum of two hundred and fifty dollars, for every such passenger, in regard to whom any such omission or neglect shall have occurred, or any such false report or statement shall be made, and also for every neglect, omission, or false report made by him, as to the owner or owners of such vessel. For the payment of such penalty, so incurred, the owner or owners, consignee or consignees, of every such vessel, shall be liable jointly and severally.

Duty of the
Mayor to require
bonds.

Sec. 2. It shall be the duty of the Mayor, as aforesaid, by an endorsement to be made on said report, to require the owner or consignee of the vessel, from which such passengers or persons have been landed, to give a joint and several bond to the people of the State of California, in a penalty of five hundred dollars, for each and every person or passenger included in such report, conditioned to indemnify and save harmless, each and every county, town or city, in this State, and also the Trustees of the several State Hospitals, against all costs and expenses which may be by them or any of them, necessarily incurred for the relief, support or medical care of the persons named in the bond, within two years from the date of such bond. Each and every bond shall be secured by two or more sufficient sureties, residents of the State, each of whom shall prove, by oath or otherwise endorsed in writing, on such bond, that he is a freeholder and resident of the State, and is worth the sum of one thousand dollars in real estate, over and above all his debts and responsibilities, and any responsibilities actual or contingent, which may accrue from or under any former bond, given under the provisions of this Act. Such bond may, at the option of the party be secured by the mortgage of real estate, or by the pledge and transfer of the stock of the United States, or of the funded debt, or Comptroller's Warrants of this

Conditions.

Sureties.

State in any amount sufficient to secure said bond. Such bonds and securities, in all cases, to be approved by the Mayor, in writing endorsed upon the bond, or securities, after sufficient inquiry on his part into the same.

Sec. 3. Within three days after the landing of such persons or passengers, from any vessel in any of the ports of this State, it shall be lawful for the master or commander, owner or consignee of said vessel, to commute for the bond or bonds required by section two, of this Act, by paying to the Mayor a sum of money not less than five dollars, nor more than ten dollars, for each and every passenger reported, as in section one of this Act required. Upon the payment of such commutation money, and the filing with the Comptroller of State, of the receipt of said Mayor therefor, by the party paying the same, as in the next section; *Provided*, such party shall be discharged from the requirements of giving bonds as aforesaid.

Authority to commute.

Sec. 4. It shall be the duty of the Mayor, receiving such commutation money, or any moneys received from fines or forfeitures under this Act, to account for and pay the same on the first Tuesday of every month, to the Treasurer of State, in the same manner in which County Treasurers are by law required to account; and he shall annex to his account an affidavit of its correctness. The Mayor shall specify, in his account, the names of the parties paying such sum or sums of money, the amount paid by each, the date of such payment and the name of the vessel and the number of passengers on account of whom it was paid. The Mayor shall furnish to the parties, paying such commutation money, receipts in duplicate, specifying the amount paid, and the name of the vessel or vessels, and the number of passengers on account of whom it was paid. The party paying such commutation money, shall file with the Comptroller of State his duplicate receipt, and shall thereupon be discharged from the requirement of giving bonds as aforesaid. It shall be the duty of the Comptroller of State, to file such duplicate receipts in his office, and to compare the same with the accounts of the several Mayors', when rendered monthly.

Commutation money.

How appropriated.

Account of Mayor.

Contents.

Mayor's duties.

Sec. 5. Whenever, in the opinion of such Mayor, there be among the passengers or persons in any vessel, any lunatic, idiot, deaf, dumb, blind, cripple or infirm person, not members of families, or who, from attending circumstances, are likely to become

Paupers, &c.

permanently a public charge, or who have been paupers in any other country, or who from sickness and disease existing either at the time of departure from the port of departure, or at the time of their arrival in any part of this State, are a public charge, or likely soon to become so, it shall be the duty of such Mayor, to require in the endorsement, made according to section two of this Act, or in any subsequent endorsement or endorsements, in addition to the bond provided for in section two, that the owner or consignee of such vessel, shall execute for every such passenger or person a further bond, joint and several, to the people of this State, in the sum of one thousand dollars. Such bond shall be conditioned and secured in the same manner as the bond in section two, *Provided*, the subsequent endorsement, in this section mentioned, may be made at any time within twenty days after the landing of any such persons or passengers. The sureties on the bond in this section provided, shall justify in double the penalty of such bond, in the manner provided for the sureties to the bond mentioned in section two of this Act.

Additional security to be required.

Recovery upon bonds.

Sec. 6. If any person for whom a bond shall have been given under this Act, shall within the time specified in such bond, become chargeable upon any city, town or county of this State, or upon the Trustees of any State Hospital, an action may be brought upon such bond in the name of the people of this State, by the Treasurer of the County, or the Trustees of said State Hospital, as the case may be. The plaintiff in said action shall be entitled to recovery upon such bonds, from time to time, so much money, not in the whole exceeding the penalty of such bond exclusive of costs, as shall be sufficient to defray the expenses incurred by any such city, town or county, or the said Trustees of any State Hospital for the maintenance and support of the person, for which said bond may have been given as aforesaid. The amount of such recovery may be collected from the sale of the real or other security, mortgaged, pledged, or deposited therefor, in conformity with this Act.

Refusal or neglect to give bonds.

Sec. 7. If any owner or consignee, as aforesaid, shall neglect or refuse to give the bond or bonds, with security therefor as in this Act, required, for each person or passenger landing from this vessel, within three days after the landing of such person or passenger, in respect to bonds required by section two of this Act, or shall not within that time, have paid the money authorized by section three, to be received in cases where such bonds are commuted

for, every such owner or consignee of such vessel, severally and respectively, shall be subject to a penalty of one thousand dollars, for each and every person or passenger on whose account such bond may have been required, or for whom such commutation money might have been paid under this Act. A penalty of two thousand dollars shall be incurred by every such owner or consignee, severally and respectively, for every neglect or refusal to give the bond or bonds, in section five of this Act, required for each person or passenger, landing from a vessel for whom such bond or bonds shall be required by the Mayor, by his endorsement, as in said section five provided, within three days after the making of such endorsement. Such penalty of two thousand dollars to be for each and every passenger on whose account such bond may have been required.

Penalty.

Sec. 8. All moneys paid into the State Treasury under this Act, shall be and hereby are set apart and appropriated as a Hospital Fund for the support and maintenance of the State Hospitals now existing, or which may be hereafter created by law. Said Fund shall in all instances be first chargeable with the expenses and maintenance of the said State Hospital and shall be paid out upon the Warrants of the Comptroller of State, to be issued monthly in favor of the Treasurer of each of said Hospitals. Said fund shall be apportioned as follows, between the several State Hospitals, viz: Three-fifths to the State Marine Hospital at San Francisco, one-fifth to the Sacramento State Hospital, and one-fifth to the Stockton State Hospital. If said fund shall not furnish a revenue sufficient to defray the expenses and maintenance of said Hospitals, then, and not otherwise, the other appropriations now made by law shall be applied to defray the deficiency, and the surplus, if any, remaining from such appropriations shall be at the end of every six months of the fiscal year, turned over to the credit of the General Fund.

Revenue under
this Act.
Appropriation.
Hospital Fund.

Division.

Surplus.

Sec. 9. For all fines and penalties imposed by this Act, upon any master or commander, owner or consignee, for any omission, neglect, or refusal to perform, any act or duty required by this Act, such vessel shall also be liable; and the amount of such fines or penalties shall be a lien on such ship, steamer, or vessel, prior to all other liens, except those for seamen's wages, bottomry bonds and respondentia. In the ports of this State, where State Hospitals are now or may hereafter be established by law, such penal-

Liability of
vessels.

How enforced.

ties and fines may be sued for and recovered in a civil action with costs of suit, by and in the name of the Trustees of said State Hospitals respectively ; and in the city of San Francisco, by the Trustees of the State Marine Hospital, in any court having cognizance thereof ; and when recovered, shall be applied to the support of such Hospital, by such Trustees respectively ; in all other ports, such suits may be brought by and in the name of the Mayor of such port. It shall be lawful for the said Trustees of the said Hospitals, respectively, to compound or commute for any of the said penalties or forfeitures upon such terms as they shall think proper. They may also commute and compound with the owner or consignee of any ship, steamer or vessel, for any such bond or bonds as are required in section five of this Act, to be given by such owner or consignee, for such person or persons, passenger or passengers, as have been paupers in any other country, or who, from their condition, at the time of their arrival, in any part of this State, or from sickness or disease at the time of their leaving the port of departure, are a public charge, or are likely soon to become so ; such commutation to be fixed by such Trustees, at such sum as they shall deem just and equitable, and sufficient to defray the necessary expenses, consequent upon the care, support and maintenance of the persons for whom such commutation shall be made, during the existence and continuance of their then sick, disabled or infirm state.

Mayor may
compound or
commute.

Paupers.

Sec. 10. In all cases of justification of sureties required under this Act, the sureties shall justify before the Mayor, required to approve the bond. The Mayor is hereby authorized to administer the oath or affirmation required upon such justification, for which he shall be allowed the same fees allowed by law to a Notary Public, for the same service. Every master or commander of any vessel, shall at the time of making his report, as in section one provided, make oath or affirmation, before the Mayor to whom such report is made, who is hereby authorized to administer such oath or affirmation, and to receive therefor the same fee as in case of justification of sureties.

Captain's oath.

Applications of
words in this act.

Sec. 11. The word "vessel," whenever used in this Act, shall be held to include ships, steamers, barques, brigs, schooners, sloops, boats, and all other descriptions of water craft. The word "Mayor," whenever used in this Act, shall be held to include every

Mayor of a city, or Officer, or Board discharging the duties of Mayor, or chief Municipal Officer.

Sec. 12. For the city of San Francisco there shall be appointed by the Governor of State, by and with the advice and consent of the Senate, a Commissioner of Emigrants who shall in that city discharge the duties required by this Act, to be discharged by the Mayor of a city, and who shall have all the powers and authority, for that purpose, conferred by this Act upon Mayors of cities. He shall hold his office for two years, and before entering upon its duties he shall file in the office of Secretary of State, a bond, with two or more sureties, in the sum of twenty-five thousand dollars, to be approved by the Governor for the faithful performance of his duties. He shall receive a commission of five per cent. on all moneys collected by him and paid into the State Treasury under this Act, he shall approve all bonds, and administer all oaths or affirmations required in the discharge of his duties, as in section ten of this Act provided. Whenever, in the city of San Francisco, it shall appear to said Commissioner, or in any other port of this State, to the Mayor thereof, that the master or commander of any vessel has not made a full and correct report, as in section one of this Act provided, such Commissioner or Mayor, shall have a right to enquire into the same, and for that purpose may compel the attendance of witnesses before him in the same manner by subpoena and attachment, as is provided for compelling the attendance of witnesses before District Courts in civil cases. The depositions taken in writing, before said Mayor or Commissioner, may be read in evidence on the trial of any suit commenced for any penalty or forfeiture, or for any sum due on any bond according to the provisions of this Act, with the like effect, as if regularly taken in such suit, subject to all legal exceptions thereto.

Governor to
appoint Com-
missioner of
Immigration.

Bond.

Fees.

Mayor may act.

His duties.

Powers of
Commissioner.

Depositions.

Sec. 13. The Consuls, Ministers, Agents, or public functionaries, of any foreign government, arriving within this State, in their official capacity, are exempted from the provisions of this Act.

Persons exempt.

Sec. 14. Sections one, two and three, of an Act entitled "An Act to provide a revenue for the State Marine Hospital at San Francisco," passed twenty-sixth of March, eighteen hundred and fifty-one, and "an Act amendatory of "an Act providing for the creation of a Marine Hospital, for the State of California," passed

Sections of
former Acts
repealed.

seventh of February, eighteen hundred and fifty-one, are hereby repealed.

The Governor
may remove
Commissioner.

Sec. 15. The Governor may at any time, for cause shown, remove said Commissioner of Emigrants, and fill the vacancy by an appointment *pro tempore*, during the recess of the Senate, until the next session of the Senate.

Commencement
of this Act.

Sec. 16. This Act shall take effect from and after its passage.

CHAPTER XLI.

[LAWS OF 1851, p. 307.]

AN ACT to provide for the disposition of certain property of the State of California.

[PASSED MARCH 26, 1851.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Boundaries of
San Francisco
Beach and
Water Lots.

Section 1. All the lots of land situated within the following boundaries, according to the survey of the City of San Francisco, and the map or plat of the same now on record in the office of Recorder of the County of San Francisco, are known and designated in this Act as the San Francisco Beach and Water Lots; that is to say, beginning at the point where the eastern line of Simmons street intersects the southern boundary line of the city; thence northerly on the eastern line of Simmons street, to the southern line of South street; thence easterly on the southern line of South street to a point three hundred and seventy-five feet easterly from Simmons street; thence at right angles to South street, northerly to the eastern line of Hubbel street; thence easterly on the line of Hubbel street, two hundred and seventy-five feet; thence northerly at right angles to Hubbel street, to the southern side of Hooper street; thence easterly on the southern line of Hooper street, to the eastern line of Fifth street; thence northerly on the eastern line of Fifth street, to the southern line of Channel street; thence easterly on the southern line of Channel street, to the eastern line of Third street; thence northerly on the eastern line of Third

street, to the southern line of Berry street ; thence easterly on the southern line of Berry street, to the eastern line of Second street ; thence northerly on the eastern line of Second street, to the southern line of King street ; thence easterly on the southern line of King street three hundred and seventy-five feet ; thence northerly at right angles to King street, to the southern line of Townsend street ; thence easterly on the southern line of Townsend street, to the eastern line of First street ; thence northerly on the eastern line of First street, to the southern line of Brannan street ; thence easterly on the southern line of Brannan street, to the eastern line of Beal street ; thence northerly on the eastern line of Beal street, to the southern line of Bryant street ; thence easterly on the southern line of Bryant street, to the eastern line of Spear street ; thence northerly on the eastern line of Spear street, to a point within one hundred and thirty-seven and one-half feet of the southern side of Harrison street ; thence easterly at right angles to Harrison street, to the eastern side of Stuart street ; thence northerly on the eastern line of Stuart street, to the southern line of Folsom street ; thence easterly on the southern line of Folsom street, to the eastern line of East street ; thence northerly on the eastern line of East street, to its point of intersection with the northern side of Jackson street ; thence northerly at right angles with the northern side of Jackson street, to the northern line of Pacific street ; thence westerly along the northern side of Pacific street, to the eastern line of Davis street ; thence northerly along the eastern line of Davis street, to the northern line of Vallejo street ; thence westerly along the northern line of Vallejo street, to the eastern line of Front street ; thence northerly on the eastern line of Front street, to the northern line of Greenwich street ; thence easterly on the northern line of Greenwich street, to the eastern line of Battery street ; thence northerly on the eastern side of Battery street, to the northern line of Lombard street ; thence westerly on the northern line of Lombard street, to the eastern line of Sansome street ; thence northerly on the eastern line of Sansome street, to the northern line of Chesnut street ; thence westerly on the northern line of Chesnut street, to the eastern line of Montgomery street ; thence northerly on the eastern line of Montgomery street, to the northern line of Francisco street ; thence westerly on the northern line of Francisco street, to the eastern line of Kearny street ; thence northerly on the eastern line of Kearny street, to the northern line of North Point street ; thence westerly on the northern line of North Point street, to the east

line of Dupont street; thence northerly on the eastern line of Dupont street, to the northern line of Beach street; thence westerly on the northern line of Beach street, to the eastern line of Powell street; thence northerly on the eastern line of Powell street, to the northern line of Jefferson street; thence westerly on the northern line of Jefferson street, to the western line of Larkin street; thence following the line of ship's channel to the western boundary line of said city; thence southerly along the western boundary line of said city, to the natural high water mark; thence along the line of the said high water mark, to its point of intersection with the southern boundary line of said city; thence easterly along the southern boundary line of said city, to its point of intersection with the eastern line of Simmons street, being the place of beginning.

Grant of said
lots to San
Francisco.

1851
1859
1950

Sec. 2. The use and occupation of all the land described in the first section of this Act is hereby granted to the city of San Francisco, for the term of ninety-nine years from the date of this Act; except as hereinafter provided, all the lands mentioned in the first section of this Act, which have been sold by authority of the Ayuntamiento, or Town, or City Council, or by any Alcalde of the said town or city, at public auction in accordance with the terms of the grant known as Kearny's grant to the city of San Francisco; or which have been sold or granted by any Alcalde of the said city of San Francisco, and confirmed by the Ayuntamiento, or Town, or City Council thereof, and also registered or recorded in some book of record now in the office, or custody, or control, of the Recorder of the County of San Francisco, on or before the third day of April, A. D. one thousand eight hundred and fifty, shall be and the same are hereby granted and confirmed to the purchaser or purchasers or grantees aforesaid, by the State relinquishing the use and occupation of the same and her interests therein to the said purchasers or grantees and each of them, their heirs and assigns, or any person or persons holding under them, for the term of ninety-nine years from and after the passage of this Act: *Provided*, that the city of San Francisco shall pay into the State Treasury twenty-five per cent. of all moneys hereafter arising in any way from the sale or other disposition of the property described in the first section of this Act; the same to be paid within twenty days after its receipt by said city. The property known as the Government Reservation is exempt from the operation of this Act; except that any estate held by virtue of any lease or leases, executed or confirmed by any officer of the United States on behalf

of the same, shall be and the same are hereby granted and confirmed to the lessees thereof, and the written instrument whereby such lease or leases was made, shall, in all actions brought by the lessees for the recovery of the lands so demised, be sufficient evidence of title and possession to enable the plaintiff to recover.

Sec. 3. That the original deed, or other written or printed instruments of conveyance, by which any of the lands mentioned in the first section of this act were conveyed or granted by such Common Council, Ayuntamiento, or Alcalde ; and in case of its loss, or not being within the control of the party, then a record copy thereof, or a record copy of the material portion thereof, properly authenticated, may be read in evidence in any Court of Justice in this State, upon the trial of any cause in which the contents of the same may be important to be proved, and shall be prima facie evidence of title and possession, to enable the plaintiff to recover the possession of the land so granted. Evidence of title to said lots.

Sec. 4. That the boundary line described in section first of this Act, shall be and remain a permanent water front of said city ; the authorities of which shall keep clear and free from all obstructions whatsoever the space beyond said line, to the distance of five hundred yards therefrom. Said boundaries to be a permanent water front.

Sec. 5. The city of San Francisco shall, within thirty days after the passage of this Act, deposit in the office of the Secretary of State of California, and in the office of the Surveyor General of this State, and in the office of the Surveyor of the city of San Francisco a correct map of said boundary line mentioned in section one of this Act, distinctly and properly delineated by a red line ; said maps to be duly certified to by the Mayor and Surveyor of said city, and under the official seal of said city. Map of said boundaries to be deposited in Secretary of State's Office.

Sec. 6. Nothing in this Act shall be construed as a surrender by the State of its right to regulate the construction of Wharves or other improvements, so they shall not interfere with the shipping and commercial interests of the bay and harbor of San Francisco. Right of State to construct wharves.

CHAPTER XLIV.

[LAWS OF 1851, p. 311.]

AN ACT *in relation to the City of San Francisco.*

[PASSED MAY 1, 1851.]

The People of the State of California represented in Senate and Assembly, do enact as follows :

City of San
Francisco may
erect wharves.

Section 1. The City of San Francisco is hereby authorized and empowered to construct wharves at the end of all the streets, commencing with the Bay of San Francisco, the wharves to be made by the extension of said streets into the Bay, in their present direction, not exceeding two hundred yards beyond the present outside line of the beach and water lots, and the city is authorized to prescribe the rates of wharfage that shall be collected on said wharves, when constructed. The space between said wharves, when they are extended, which is situated outside of the outer line of beach and water lot property, as defined by the Legislature, shall remain free from obstructions, and be used as public slips for the accommodation and benefit of the general commerce of the City and State.

Right of State
to Beach and
Water Lots
released.

Sec. 2. The right of the State to the Beach and Water Lot Property in the City of San Francisco is hereby relinquished to said City : *Provided, always*, that the relinquishment to the City is made upon the express conditions that said City shall confirm the titles to all lots which have been granted by any Justice of the Peace ; which lots are situated on that part of the Kearny grant which is within the following boundaries, to wit : bounded on the north by Vallejo street, on the south by Harrison street, on the east by the easterly boundary of said beach and water lots as defined by the Legislature, and on the westerly side by Front and Fremont streets ; said grants shall be, and the same are hereby confirmed and made evidence of title in all Courts of this State, and holders under them shall have possession of said property so granted : *Provided, always*, that this Act shall not be construed as confirming grants to the property known as the Public Slip, bounded by Davis, Clay, and Sacramento streets, nor to any property the title or lease to which has been confirmed to individuals by any

former Act of the Legislature ; and said grant must have been recorded in the Recorder's office prior to the first day of February, one thousand eight hundred and fifty-one.

CHAPTER LXXV.

[LAWS OF 1851, p. 327.]

AN ACT *to prevent the City of San Francisco from selling or in any otherwise disposing of Lots within its corporate limits.*

[PASSED APRIL 1, 1851.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The City of San Francisco shall not have power either to sell, lease, or in any manner convey any lands situated within the corporate limits of said City, from and after the passage of this act until the tenth day of May next, or thereafter.

City of San Francisco not to dispose of certain lands until, &c.

SEC. 2. No officers of said City, or any one appointed by said City, before or after the passage of this act shall have any power to dispose of said lands except in accordance with the provisions of the first section of this act, and every sale made by said city, its officers, agents, or commissioners, contrary to the provisions of this act, shall be null and void.

The like.

CHAPTER LXXXVIII.

[LAWS OF 1851, p. 387.]

AN ACT to authorize the Funding of the Floating Debt of the City of San Francisco and to provide for the payment of the same.

[PASSED MAY 1, 1851.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Commissioners
of Funded Debt
appointed.

Section 1. The city of San Francisco is hereby authorized to fund its floating debt as hereinafter provided, and for this purpose P. A. Morse, D. I. Tallant, William Hooper, John W. Geary, and James King of William, of the city of San Francisco, are hereby constituted and shall be known as "The Commissioners of the Funded Debt of the City of San Francisco," and as such they and their successors appointed as hereinafter prescribed shall have the powers hereinafter enumerated. They shall organize their commission by the appointment of a President and Secretary from their own body; they shall hold their offices during good behavior. Any vacancy occurring shall be filled by appointment by the Mayor of said city of some respectable citizen of said city to such office and confirmed by the Common Council. The said funding commissioners, before entering upon the duties of their office, shall file a joint and several bond with the Mayor of the city, in the penal sum of one hundred thousand dollars for the prompt and faithful discharge of all the duties of their office.

Powers of
Commissioners.

Certificates of
stock may be
issued.

Sec. 2. The said Commissioners of the funded debt shall have power to issue on the part of the said city certificates of stock to be known as "The San Francisco City Stock;" for an amount equal to the aggregate amount of the floating debt of the said city, which shall be due or the consideration whereof shall have accrued on or before the first day of May, in the year one thousand eight hundred and fifty-one; which said certificate shall be in such form as the said Commissioners shall prescribe and shall be signed by each of the said Commissioners then in office, and each and every certificate to purport in substance as follows, namely: That the city of San Francisco owes to the holder thereof a sum to be expressed

therein, not less, however, than one hundred dollars, bearing an interest of ten per cent. per annum. The said interest to be payable half yearly at such specified time and place as the said Commissioners may see fit to direct, upon coupons annexed to such certificates and the principal sum to be redeemable within twenty years after the date of such certificate; the coupons for the payment of such interest according to the terms of such certificate shall be signed by the President and Secretary of the said Commissioners and annexed to and delivered with each certificate, and such certificate, although not under the common seal of the corporate city of San Francisco, shall be as valid and binding upon the said corporate city as though the same were issued under its said Common Seal.

Sec. 3. The said Commissioners shall have power to exchange such certificates of stock with creditors of said city who are entitled to the benefit of the provisions of this Act, in extinguishment of an equal amount of the said floating debt.

Sec. 4. The said Commissioners, previous to the making out of the general assessment list for the said city, in each and every year, shall certify and deliver to the city assessors the amount which shall be necessary to be raised for the payment of the interest of the debt so funded for the current year, and the said assessors in completing said assessment list shall add to the amount which may be authorized by law to be raised thereon for other purposes the amount so certified for the payment of such interest, and also the further sum of fifty thousand dollars in each and every year for the purpose of a sinking fund for the redemption of such stock: the first moneys collected upon the whole of such general assessment list when so completed shall be paid by the collector thereof into the City Treasury, and by the City Treasurer into the hands of said Commissioners as fast as collected; and no payment shall either directly or indirectly be made out of the moneys assessed or collected upon the said assessment list for any other purpose until the amounts authorized by this section to be assessed and collected shall have been actually paid over to said Commissioners. The Common Council of the said city shall not have power to enact any provisions which shall prevent or hinder the immediate collection, in current coin, of the amounts authorized to be raised by this section, or otherwise contravene the provisions of this section, and if any such provisions are attempted to

Commissioners
may inspect
books of
Treasurer.

be enacted, it shall be the duty of the city collector to disregard the same, and to collect in current coin the amounts by this section authorized to be assessed and collected. The said Commissioners shall have the right at all times to inspect the books of the Treasurer, Assessor, and Collectors of said city.

Disposition of
moneys received
by Commis-
sioners.

Sec. 5. The said Commissioners shall receive into their custody all the moneys which shall be levied and collected for the purposes of this Act. Out of the same they shall pay the interest of the said stock, at the times and places where the same shall become due and payable, out of the surplus remaining in their hands, to the extinguishment of such portions of the principal debt as they may be able to obtain for that purpose, as provided for in section 14 of this Act; or, in case they shall not be able to obtain portions of such principal debt for that purpose, they shall securely invest such balance, and reinvest the interest and proceeds thereof until they shall be able so to apply the same to the total extinguishment of such portions of the said debt as herein provided. They shall keep regular books of accounts and minutes of their proceedings, which shall be open at all times to the inspection of the Mayor and Comptroller of said city; and shall within one month before the expiration of the fiscal year of the said city transmit to the Common Council of the said city, a statement verified by the oath of one or more of said Commissioners, showing the amount of moneys received and paid out by them, the expenditures by them made, the amount of stock outstanding, and the amount redeemed within the current year, the condition of the moneys and funds in their hands, and how the same are invested and secured; which statement the Common Council shall cause to be forthwith published in a daily newspaper published in said city.

Commissioners
to report
receipts and
payments to
Council.

Redemption of
stock.

Sec. 6. At the time when the principal of said stock becomes redeemable, the said Commissioners shall devote the moneys in their hands to the redemption of the same, and shall pay over the surplus, if any, to the Treasurer of said city. The said Commissioners shall also, after discharging the trusts for which they are herein appointed, convey and restore to the city of San Francisco all the property, titles and assets belonging to the same and remaining in their possession. Each of the said Commissioners shall receive during his continuance in office, an annual salary not to exceed twelve hundred dollars, except the President and Secretary, whose salaries shall not exceed fifteen hundred dollars each,

Salary of
Commissioners.

to be fixed by the Common Council, and paid out of the moneys which shall be collected and paid to the said Commissioners, under the provisions of this Act. Before entering upon their office the said Commissioners shall give bonds to the said city, by its corporate name, to be approved by the Common Council, conditioned for the faithful discharge of the duties of their office ; and such bonds shall be renewed from time to time upon the order of the District Court, having jurisdiction within the said city, for cause shown, on the application of the said city, after previous notice to the said Commissioners, and upon failure to comply with such order, the office of such Commissioners shall become vacant.

Commissioners
to give bonds.

Sec. 7. The District Court having original civil jurisdiction within the said city of San Francisco shall have power to enforce obedience to the provisions of this Act, and for that purpose may issue process of mandamus, distringas, sequestration, and attachment ; and any public officer who shall wilfully violate any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and shall be liable to indictment and punishment therefor.

Obedience to act,
how enforced.

Sec. 8. Any person holding indebtedness of any character against the city, authorized by this Act to be funded, shall have the privilege of receiving in lieu thereof the ten per cent. Bonds or Certificates as provided in section 2, and the said Fund Commissioners are hereby authorized and directed to pay said bonds or certificates to such person or persons, at the rate of one hundred cents on the dollar, for every dollar of such indebtedness received.

City creditors
may receive
certificates of
stock.

Sec. 9. No creditor of the said city (the amount of whose claims against the said city shall be audited and approved at the time of the passage of this Act) shall be entitled to the benefit of the provisions of the same, unless he shall signify his election to exchange such claims for said funded stock, within ninety days after the passage of this Act, and for such claims, such stock shall be issued for the amount due thereon at the time of the passage of this Act, and bearing date as of that day ; and in case any claims against the said city, which may be entitled to the benefit of the provisions of this Act, shall not be audited and approved at the same time of the passage thereof, but shall thereafter be audited and approved, then the same shall be presented for exchange as aforesaid, within ninety days after such liquidation, and upon being so presented, such stock shall be issued for the amount then due

Creditors to
elect, if they
will receive
certificates of
stock within
ninety days.

thereon, and bearing date as of the day of such presentation, and if not so presented, the same shall not be entitled to the benefit of the provisions of this Act.

Repeal of
Section 17,
Article 3, of
City Charter.

Sec. 10. The seventeenth section of the third article of the "Act to reincorporate the City of San Francisco," which reads as follows: "The Commissioners of the Sinking Fund, created by ordinance of the Common Council, are hereby required to convey and deliver to the Common Council before the tenth day of May next all property, titles, rights and interests, belonging to the city, and now in their possession," be and the same is hereby repealed.

City property
exempt from
sale by execution.

Sec. 11. All property of the city of San Francisco which is necessary to be retained for all or any of the municipal purposes of the city shall forever be exempt from sale by execution.

Commissioners
of Sinking Fund
to convey to
Commissioners
of Funded Debt.

Sec. 12. The Commissioners of the Sinking Fund created by ordinance of the Common Council are hereby required to convey to the Commissioners of the Funded Debt of the City of San Francisco created by this Act, on their application therefor, all the property, and all the rights, titles, and interests in property belonging to said city; and to pay over into the hands of said Commissioners any funds, notes, securities, or other assets belonging to said city which they may have received, or may hereafter receive, by virtue of article third of an Act entitled "An Act to incorporate the City of San Francisco," approved the fourteenth day of April, eighteen hundred and fifty-one; said Commissioners shall have the right, at such time and place as in their discretion the interest of the city may require, to expose at public sale or to lease the property to be conveyed, as provided in this section, and they shall apply the proceeds of such sale or lease to the liquidation of the floating debt of said city.

Repeal of
Section 15,
Article 3, of
City Charter.

Sec. 13. The fifteenth section of the third article of the "Act to re-incorporate the City of San Francisco," which reads as follows: "The Common Council shall at an early day take steps to fund by ordinance the existing debts of the city. The funded debt shall consist of:

"1st. The liabilities for the payment of which the city revenue is already pledged.

"2d. The creditors of the city may fund the debts respect-

ively due them at the passage of this Act, on such terms as the Common Council may prescribe, at a rate of interest not to exceed ten per cent. per annum, and payable in ten years; but no bond shall issue of a less denomination than one hundred dollars," be and the same is hereby repealed."

Sec. 14. Whenever the said Commissioners of the funded debt shall have surplus moneys in their hands for the extinguishment of any portion of the said principal stock as hereinbefore provided, they shall publicly advertise, for at least five weeks, in some newspaper printed in the city of San Francisco, for sealed proposals for the surrender of portions of said stock, and shall state in such advertisement the amount of money which they have in their hands for that purpose, and they shall accept those proposals which shall secure the cancellation of the greatest amount of such stock, and of annual interest thereafter to accrue on the same, reference being had to the rate of interest payable on such stock: *Provided*, that no stock shall be so purchased at a price higher than par.

Advertisement
for surrender
of stock.

CHAPTER CXXIII.

[LAWS OF 1852, p. 197.]

AN ACT to Fund the Floating Debt of the County of San Francisco.

[PASSED MAY 4, 1852.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. The County of San Francisco is hereby authorized to fund its floating debt, as hereinafter provided, and for this purpose, S. R. Harris, F. D. Kohler, and Otto Frank, are hereby constituted and shall be known as the Commissioners for Funding the Floating Debt of the County of San Francisco, with the powers hereinafter enumerated; they shall organize their commission by the appointment of a President and Secretary from their own body, and shall hold office until first day of July, one thousand eight hundred and fifty-three, when the commission shall cease and terminate.

Appointment of
Commissioners.

Term of office.

Power to issue
certificates of
stock.

Sec. 2. The said Commissioners shall have power to issue, on the part of said county, certificates of stock, bearing date as of the first day of July, one thousand eight hundred and fifty-two, for an amount equal to the aggregate amount of the floating debt of the County of San Francisco, which shall be due, or the consideration whereof shall have accrued on or before the first day of May, one thousand eight hundred and fifty-two, (not to exceed, however, the sum of four hundred thousand dollars,) said certificates shall be in such form as the said Commissioners shall prescribe, and shall be signed by each of the said Commissioners, and each and every certificate to purport in substance as follows, namely: That the County of San Francisco owes to the holder thereof a sum, to be expressed therein, not less, however, than one hundred dollars, bearing an interest of seven per cent. per annum. The said interest to be payable half yearly, upon coupons annexed to such certificates, and the principal sum to be redeemable within ten years after the date of such certificate; the coupons for the payment of such certificate shall be signed by the Secretary of said Commissioners, and annexed to and delivered with each certificate.

Form.

Duty of
Commissioners.

Sec. 3. It shall be the duty of said Commissioners to furnish to the County Assessor, within the ten days following the first day of July, one thousand eight hundred and fifty-two, a statement of the amount of Bonds issued in virtue of this Act, and of the amount of interest annually accruing on the same; and it shall be the duty of said Assessors, in completing their assessment list, to include the amount of said interest, with other sums now authorized by law, to be raised thereon, and also an additional assessment of one eighth of one per cent., to be set apart and appropriated in a manner as hereinafter provided for, for the gradual extinguishment of the certificates or bonds issued in virtue of this Act.

Interest on
Bonds.

Sec. 4. Of the moneys received by the County Treasurer, arising out of the taxes annually assessed and collected, there shall be first set apart and exclusively appropriated an amount sufficient to meet the interest due on the bonds, by the Commissioners, and no other payment shall be made from the County Treasury until such an amount is secured.

Duty of County
Treasurer.

Sec. 5. On the tenth day of January, one thousand eight hundred and fifty-three, and thereafter, every six months, it shall

be the duty of the County Treasurer, to appropriate all moneys in his hands, arising out of the one eighth of one per cent. authorized by this Act, to be assessed as a sinking fund, to the redemption of the bonds or certificates issued by the Commissioners, and he shall redeem said bonds or certificates by public auction, previously giving ten days notice thereof in two newspapers published in San Francisco, the advertisement to set forth the amount in his hands for that purpose, and he shall accept such bids as shall secure the cancellation of the greatest amount of stock.

Sec. 6. It shall be the duty of the County Treasurer to ^{Payment of interest,} cause the interest, becoming due on the bonds issued by the Commissioners, to be paid at some respectable banking house in San Francisco : and he shall, prior to said interest becoming due, deposit the money received for that purpose, as provided for in section four : *Provided*, no charge is made for such agency.

Sec. 7. Any person holding indebtedness of any character ^{County indebtedness,} against the County of San Francisco, contracted for prior to the first day of May, one thousand eight hundred and fifty-two, and certified to by the present President of the Board of Supervisors of said county, as having been legally authorized, shall have the privilege of receiving, in lieu thereof, seven per cent. bonds or certificates, as provided for in section two : *Provided* said parties, holding evidences of the county's indebtedness, certified to as above, shall present them for funding at the office of the Commissioners within six months after the passage of this Act.

Sec. 8. On the tenth day of July, one thousand eight hundred and fifty-three, it shall be the duty of the Commissioners ^{Duty of Commissioners,} appointed by this Act, to turn over to the Board of Supervisors of the county all the books and papers belonging to the Commission, and all scrip and other evidences of the county indebtedness, (for which bonds have been issued,) duly cancelled, accompanied with a report, setting forth the amount of indebtedness cancelled by them, by issue of bonds, and the interest thereon, and the amount of bonds issued : *Provided*, that the three per cent. per month scrip shall not be certified nor funded until courts of competent jurisdiction shall have decided said three per cent. scrip to be a legal debt against the county.

Sec. 9. Upon completion of the duties imposed on the Com- ^{Comensation of Commissioners,}

missioners by this Act, the Secretary shall be entitled to the sum of fifteen hundred dollars, which sum shall include all expenses of office rent and clerk hire ; and the two other Commissioners shall be entitled to the sum of five hundred dollars each, and the County Treasurer is hereby directed and required to pay to the said Commissioners said amount out of the first moneys in his hands, also all the incidental expenses of the Board : *Provided*, the same does not exceed the sum of one thousand dollars.

Vacancies.

Sec. 10. Any vacancies occurring in the Board, shall be supplied by others appointed by the Board of Supervisors of the county ; and the Commissioners, before entering upon the duties of their office, shall give a joint and several bond in the sum of twenty-five thousand dollars, for the faithful performance of the trust imposed on them, and deposit the same with the Board of Supervisors for the county.

Commissioners
to advertise.

Sec. 11. The Board of Commissioners hereinbefore appointed, shall immediately advertise in two or more public newspapers for the surrender and liquidation of the three per cent. per month scrip ; after the expiration of six months from the date of the advertisement, said scrip shall cease to bear interest.

CHAPTER CXXVI.

[LAWS OF 1852, p. 201.]

AN ACT to authorize the Common Council of the City of San Francisco to purchase or erect a City Hall.

[PASSED APRIL 10, 1852.]

The People of the State of California represented in Senate and Assembly, do enact as follows :

Authorized to
purchase or erect
a City Hall.

Section 1. The Common Council of the City of San Francisco, are hereby authorized and empowered to purchase or erect a suitable building for a City Hall for said City : *Provided*, the amount to be expended shall not exceed the sum of one hundred and twenty-five thousand dollars.

Expense.

CHAPTER CXXV.

[LAWS OF 1852, p. 200.]

AN ACT *to ratify and confirm an Ordinance passed by the City of San Francisco on the eleventh day of June, one thousand eight hundred and fifty-one, authorizing Azro D. Merrifield and his assigns to introduce Water into the city of San Francisco.*

[PASSED MAY 3, 1852.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Section 1. That an Ordinance, passed on the eleventh day of June, one thousand eight hundred and fifty-one, by the city of San Francisco, authorizing Azro D. Merrifield and his assigns to introduce Water into the city of San Francisco, be and the same is hereby ratified and confirmed; and the Common Council of said city are hereby authorized to extend the time within which said work shall be completed.

Confirming City Ordinance authorizing A. D. Merrifield to supply the city with water.
Time extended.

CHAPTER CXXIX.

[LAWS OF 1852, p. 205.]

AN ACT *Providing for the erection of a Powder Magazine in San Francisco.*

[PASSED APRIL 27, 1852.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Section 1. B. F. Hailey is hereby authorized to erect, at his own expense, a Powder Magazine in the vicinity of San Francisco, at such a point or place as shall be sanctioned by the Mayor of said city; *Provided*, that the said Magazine may be used by the State of California free of all charges, for the deposit of such arms and ammunition as the Governor may direct to be stored therein.

B. F. Hailey authorized.

Sec. 2. That after notice of twenty days in the newspapers of

Penalty for

keeping
gunpowder.

said city having been given by the Superintendent of the Magazine, of the erection thereof, as provided for by this Act, no person shall keep in any one house or place, within said limits, more than five pounds of gunpowder at any one time, under a penalty of one hundred dollars for each offence.

License for
vending.

Sec. 3. No person shall hereafter keep powder on sale within the limits of the city, without first obtaining a license of the City Comptroller, which he shall be entitled to have by the payment of one dollar, which shall go into the city Treasury, nor shall such person, after the erection of the magazine aforesaid, keep in any one store, building, or other place, more than twenty-five pounds of powder at any one time, and that shall be kept in a strong, iron, or copper chest, well secured and fastened, with the word, "Powder," distinctly painted upon it. The said chest shall always be kept within three feet of the main entrance of the place in which said powder is kept, so that, in the event of fire, it may be easily removed; moreover, it shall be the duty of every person obtaining license and selling powder, as aforesaid, to keep in a conspicuous place on the front of the building or place in which said powder is kept, a sign, with the words "*License to sell Powder,*" painted upon it, and any person offending against any of the provisions of this Act, shall be fined not less than one hundred dollars, nor more than five hundred dollars, at the discretion of the Recorder of said city.

Duty of Captains
of vessels.

Sec. 4. It shall be the duty of the captains of all vessels lying or arriving in the harbor of San Francisco, whose cargo consists in whole or in part of powder, to notify the Superintendent of the Magazine, within five days after his arrival, of the landing of the same at some convenient point, in order that it may be received and stored; and any captain wilfully disregarding this Act, shall be fined for each offence and for every days continuance, at the discretion of the Recorder; for which fine, the vessel, her tackle and apparel shall be held responsible.

Fees of the
Superintendent.

Sec. 5. It shall be the duty of the Superintendent, when requested so to do, to convey powder to and from the magazine, and for removing and delivering of the same, he shall be entitled to receive from the person or persons so ordering the same, the sum of twenty-five cents per keg, and for every month he shall keep the

same, in the magazine aforesaid, he shall be entitled to receive the sum of twenty-five cents for each keg.

Sec. 6. The Superintendent of said magazine shall execute a bond to the State, to be approved by the Governor, for the benefit of the depositors, for the faithful discharge of his duties, with two sufficient securities, in the sum of five thousand dollars, and it shall be his duty to give a receipt for all powder deposited with him.

The Superintendent to give bond.

Sec. 7. It shall be the duty of all persons having a greater quantity of powder than is allowed by the preceding sections of this Act, in their possession, either in houses or vessels, to notify the said Superintendent within three days from the publication of the same, so that he may remove, or cause to be removed, all powder within the County of San Francisco, to such magazine as he may provide for the reception of the same; and all persons not complying with this section, shall pay a fine of one hundred dollars, or more, at the discretion of the Recorder.

Duty of persons to notify the Superintendent.

Sec. 8. The Governor shall appoint the Superintendent of the Powder Magazine, who shall hold his office for the term of two years.

Governor to appoint.

Sec. 9. The Common Council of San Francisco shall have power to authorize, by ordinance, the building of other Powder Magazines, and to appoint Superintendents. The owners of powder may store in either of the magazines, created by ordinance or law, paying the fees, herein, allowed, to the Superintendent of the Magazine, in which the same is stored.

Powers of the Common Council.

Sec. 10. This Act to take effect from and after its passage.

Commencement of this Act.

CHAPTER LXII.

[LAWS OF 1851, p. 318.]

AN ACT concerning the office of Public Administrator for the County of San Francisco, and making it elective.

[PASSED MARCH 8, 1851.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Public
Administrator
to be elected.

Section 1. There shall be elected in and for the County of San Francisco a Public Administrator, who shall continue in office until his successor is qualified.

To take oath and
give bond.

Sec. 2. Before entering upon the duties of his office he shall take the customary oath, and execute a bond to the State of California with sureties, to the approval of the Probate Judge, in the sum of fifty thousand dollars, conditioned for the faithful discharge of all the duties enjoined upon him by law, and particularly that he will account for and pay over all moneys and property that may come to his hand as such Administrator. The amount of bond may at any time be increased in the discretion of the Probate Judge, and shall not be void upon the first recovery.

Duties.

Sec. 3. He shall perform the same duties, and receive the same compensation, as other Administrators, or such as may be prescribed by law.

Duty of present
Public
Administrator.

Sec. 4. It shall be the duty of the present Public Administrator for said county to account for and pay over and deliver to his successor, within ten days after he shall have qualified, all money, papers, and other property belonging to the estates of deceased persons which may have come into his possession as said Administrator, or be held by him by virtue of his office.

Report, on oath.

Sec. 5. His report shall be made under oath, and shall contain a full and accurate statement of all the estates which have been administered by him; showing what moneys or effects have been received in each case, and from what sources; the sums expended, and for what purposes.

Sec. 6. If he shall fail to comply with the requirements of this Act, he shall be liable, on his own official bond, to any party injured thereby, and may be indicted and punished as for a misdemeanor. Neglecting to comply with act.

Sec. 7. The first election under this Act shall be held on the fourth Monday of April, one thousand eight hundred and fifty-one, and annually thereafter, at the general election for city officers. Election, when to be held.

CHAPTER LVII.

[LAWS OF 1852, p. 129.]

AN ACT to provide for the Inspection of Flour.

[PASSED MAY 3, 1852.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Section 1. The Governor, by and with the advice and consent of the Senate, is hereby authorized to appoint for the term of two years, a competent person as Inspector of Flour, of the State of California, to reside in the city of San Francisco. Governor to appoint.

Sec. 2. The Inspector appointed under the provisions of this Act, shall have power to appoint a suitable number of deputies, for the different ports of entry in this State, who shall possess the same powers and perform the same duties as the Inspector, within the ports for which they shall be appointed. Deputies.

Sec. 3. The Inspector or his deputies, appointed in accordance with the provisions of this Act, shall, when called upon, inspect any flour that may arrive at the ports of entry, in this State, and shall mark in a distinct and legible manner, each barrel or package, as follows : If of first quality, "Superfine ;" if of a second quality, "Fine ;" there shall also be branded on each barrel or package, the year and month of the year, said flour was inspected, together with the name of the Inspector or deputy. Each Inspector shall correct any brand or mark which would give a false weight to any barrel or package of flour. Duty of Inspector and Deputies. Brand. False brand.

Flour not
inspected.

Vender to brand.

Penalty.

Re-branding.

Fraud.

Fees of
Inspectors.

Inspector shall
give bonds.

Penalties for
violation of the
provisions of
this Act.

Sec. 4. Every barrel or package containing flour not marked by the Inspector, as provided in this Act, shall have marked thereon, in a fair and legible manner, the name of the vendor of the same, and they shall also be marked "Fine," or "Superfine," according to their contents, and the number of pounds contained therein, which shall be deemed a "Warranty" by such vendor, that the barrel or package so marked, is of the quality and contains the quantity so represented, and any person or firm who shall sell, or offer for sale any flour not marked as aforesaid, shall be liable to a penalty of twenty cents for every barrel or package so sold or offered for sale, to be recovered with costs before any court of competent jurisdiction, by said Inspector or his deputies, for his use. The inspector or deputies appointed under the provisions of this Act, shall, at the request of any purchaser of any barrel or package of flour, marked with a private mark, as provided in this section, inspect the same, and if found to be deficient in weight, or to contain flour of a bad quality, or such as has been pulverized, re-ground, or mixed, the person who sold the same, shall be deemed guilty of fraud, and shall be punished for each offence by fine not to exceed fifty dollars.

Sec. 5. Said Inspector, or deputy Inspectors shall be entitled to receive at the rate of five cents, for each one hundred pounds by him inspected and marked.

Sec. 6. The Inspector shall give to the State of California, a bond in the sum of ten thousand dollars, conditioned for the faithful performance of his duties to be approved by the Governor, and any Inspector who shall falsely mark any flour, shall be liable to any person injured thereby, in double the amount of the damage incurred.

Sec. 7. Any person or persons who shall alter or counterfeit any mark used in conformity with the provisions of this Act, or who shall sell or offer for sale, flour put up in any barrel or package, previously used, and marked as provided in this Act, without erasing or destroying said mark, shall forfeit the sum of five hundred dollars for each and every offence, to be sued for, before any court of competent jurisdiction in this State, one-half of which shall go to the informer and the residue to the State Hospital Fund.

Sec. 8. The Inspector herein before provided for shall be responsible for his acts, and if he or any of his deputies, shall mark any flour, either in barrels or packages, erroneously, knowing the same to be erroneous, shall, on conviction thereof, be fined for each offence in a sum not to exceed five hundred dollars. *Provided*, always, that no vendor of flour shall be required to have any flour inspected under this Act, unless at his own written request.

CHAPTER LVIII.

[LAWS OF 1852, p. 131.]

AN ACT to provide for the appointment of a Guager for the Port of San Francisco.

[PASSED MAY 3, 1852.]

The People of the State of California represented in Senate and Assembly, do enact as follows:

Section 1. The Governor is hereby authorized and directed to appoint, by and with the advice of the Senate, a Guager of Wines and Liquors, to reside in the City of San Francisco, and to continue in office for two years.

Sec. 2. Said Guager before entering upon his office, shall take and subscribe the oath of office and give bonds in the sum of twenty-five thousand dollars for the faithful discharge of his duties.

Sec. 3. It shall be the duty of said officer to guage and inspect all wines and liquors which may be, or arrive, in said city, and to mark upon the cask or case, the quantity and quality of the same, for which services he may charge and receive one half of one cent per gallon of the wines and liquors so inspected.

Sec. 4. Any person in the city of San Francisco, selling or offering for sale any wines or liquors in casks or cases, without the Inspector's mark thereon, shall be liable for each offence to a fine not less than one hundred dollars, nor more than five hundred dollars.

CHAPTER XLIX.

[LAWS OF 1851, p. 313.]

AN ACT to confirm certain Contracts of the Commissioners of the Sinking Fund of the City of San Francisco for the Building of Broadway and Pacific Street Wharves.

[PASSED MAY 1, 1851.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Contracts
confirmed.

Section 1. The contracts severally entered into on the thirteenth day of February, Anno Domini eighteen hundred and fifty-one, between the Commissioners of the Sinking Fund of the City of San Francisco and Francis Salmon, for the construction of a wharf at the foot of Broadway, and between said Commissioners and M. R. Roberts and Joseph R. West, for the building of a wharf at the foot of Pacific street, are hereby ratified and confirmed.

Liens not
affected.

Sec. 2. No lien, or claim, or judgment, upon the wharves, specified in the first section of this Act, shall be invalidated or affected in any manner by the passage of this Act. Nothing in this Act shall allow the said wharves to be constructed beyond the line of East street.

CHAPTER LII.

[LAWS OF 1851, p. 315.]

AN ACT to ratify and confirm a Contract entered into on the twenty-eighth day of March, A. D. eighteen hundred and fifty-one, between the Commissioners of the Sinking Fund of the City of San Francisco and Henry A. Breed and William E. Dennis, for the construction of Market Street Wharf, and California Street Wharf.

[PASSED APRIL 28, 1851.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Section 1. That a contract entered into on the twenty-eighth day of March, eighteen hundred and fifty-one, by the Commissioners of the Sinking Fund for the City of San Francisco, of the one part, and Henry A. Breed and William E. Dennis, in relation to the construction of Market street Wharf and California street Wharf, be and the same is hereby ratified and confirmed in all its provisions.

Contract confirmed.

CHAPTER LXXIV.

[LAWS OF 1851, p. 327.]

AN ACT to ratify and confirm an Ordinance passed by the City of San Francisco on the eighteenth day of November, one thousand eight hundred and fifty, authorizing the building of a Plank Road to the Mission of Dolores.

[PASSED APRIL 5, 1851.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Section 1. That an Ordinance passed on the eighteenth day of November, eighteen hundred and fifty, by the City of San Francisco, authorizing the building of a Plank Road to the Mission of Dolores, be and the same is hereby ratified and confirmed in all its provisions.

Ordinance confirmed.

CHAPTER I.

[LAWS OF 1851, p. 15.]

AN ACT concerning the Courts of Justice of this State, and Judicial Officers.

[PASSED MARCH 11, 1851.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

CHAPTER IV.

THE SUPERIOR COURT OF THE CITY OF SAN FRANCISCO.

* * * * *

Court continued. Section 37. The court known as the Superior Court of the city of San Francisco, established by the Act entitled "an Act to establish a Municipal Court in the city of San Francisco," passed April fifth, one thousand eight hundred and fifty, is continued, with the jurisdiction conferred by this chapter.

Judges. Sec. 38. Until the first day of the month subsequent to the next general election, this court shall be composed of the present three Judges ; but on and after that day, this court shall be composed of a single Judge, who shall be chosen by the electors of the city of San Francisco at the said general election, and shall hold his office until the general election in eighteen hundred and fifty-four. At the general election of that year, and every three years thereafter, a Judge of this court shall be chosen by the electors of the city of San Francisco, and shall enter upon his duties on the first day of January subsequent to his election. Before entering upon his duties he shall take the constitutional oath of office.

Vacancy in office of Judge. Sec. 39. When a vacancy occurs in the office of Judge of this Court, a new Judge shall be chosen at the next general election for the unexpired term of the preceeding Judge ; and the Governor shall appoint some person to fill the vacancy until the general election be held and the person chosen be qualified.

Sec. 40. The city of San Francisco shall pay out of its Treas-
 ury to each of the three Judges of the court, so long as this court
 shall be composed of three Judges, and afterwards to the single
 Judge of this court, the same salary or compensation as the Dis-
 trict Judge in the District of San Francisco shall be allowed by
 law ; the same to be paid quarterly in equal proportions.

Compensation to
Judge.

Sec. 41. The jurisdiction of this court shall be of two kinds :
 1st, Original ; and 2d, Appellate.

Sec. 42. Its original jurisdiction shall extend to all civil cases
 in which the amount in controversy exceeds two hundred dollars,
 exclusive of interest, or which involves the title or possession of
 real property situated in the city of San Francisco, and its juris-
 diction in such cases shall be co-extensive with the jurisdiction of
 the District Court in the like cases.

Original
jurisdiction.

Sec. 43. Its Appellate jurisdiction shall extend to reviewing
 upon appeal : 1st, a final judgment of the County Court of the
 County of San Francisco, in an action or proceeding commenced
 therein ; and upon the appeal from such judgment, to reviewing
 any intermediate order involving the merits and necessarily affect-
 ing the judgment ; 2d, a judgment rendered by the County Court
 of the County of San Francisco on appeal from a Justice's or Re-
 corder's Court, in a civil action or proceeding involving the legality
 of any tax, fees, tolls, or impost, or license, municipal or other
 fine, or the possession of real property ; 3d, an order made by the
 County Court of San Francisco, granting or refusing a new trial in
 an action or proceeding commenced therein, or which affects sub-
 stantial right in such action or proceeding.

Appellate
jurisdiction.

Sec. 44. This court shall also have jurisdiction to review the
 proceedings of an inferior tribunal, board, or officer, upon the
 writ of certiorari, and may issue writs of mandate in the cases
 provided by law ; and this court and the Judge thereof, and so
 long as it shall be composed of three Judges, each Judge thereof,
 may issue all other writs necessary or proper to the complete exer-
 cise of the powers conferred by this and other Statutes.

Further
jurisdiction

Sec. 45. This court shall be distributed into general and
 special terms.

Terms.

General terms. Sec. 46. The general term shall be devoted to the trial: 1st, of issues of fact now pending, or hereafter joined in actions in this court; 2d, of questions of fact in those actions, or in any other proceedings which are by this court ordered to be tried by a jury.

Special terms. Sec. 47. The special term shall be devoted to the hearing and determination: 1st, of applications for judgment upon failure to answer, and upon complaint and answer; 2d, of issues of law now pending, or hereafter joined, in actions or proceedings in this court; 3d, of applications for judgment upon special verdicts; 4th, of cases reserved for argument, or further consideration; 5th, of appeals; 6th, of motions for new trials; 7th, of all other special motions, in actions or proceedings in this court.

Terms, when to be held.

Sec. 48. The court shall hold a general and special term each month in the year. The time for holding the general and special terms shall be fixed by the order of the court on the first Monday of May of the present year, and on the first Monday of January of each subsequent year; which order shall be entered on the minutes of the court and published. The court shall continue in session at least three weeks of each month, unless the business of the court be sooner disposed of; and may continue for a longer period, when, in the opinion of the Judge or Judges, the public interests require its continuance. So long as this court shall be composed of three Judges, the attendance of two of them shall be necessary to hold a special term, and a concurrence of two of them shall be necessary to pronounce a judgment in a case heard at a special term; but a general term may be held by a single Judge; and different trials may take place before the different Judges at the same time.

Business at Chambers.

Sec. 49. The Judge of this court, or one of the three Judges, so long as the court shall be composed of three Judges, shall at all reasonable times, when not engaged in holding court, transact such business at chambers as may be done out of court. At chambers all applications for orders and writs, which are usually granted in the first instance upon an *ex parte* application, may be heard and disposed of; and also in the discretion of the Judge, applications to discharge such orders and writs.

Process, &c., out of San Francisco.

Sec. 50. This court may send its writs, process and orders out

of the city of San Francisco, in the actions and proceedings in which it has jurisdiction by this Act.

Sec. 51. This court shall hold its sessions in the city of San Francisco, in such central and convenient place as shall be provided for that purpose by the city. If a room for holding the court be not provided by the city, together with attendants, fuel, lights, and stationery, suitable and sufficient for the transaction of business, the court may direct the Sheriff of the County of San Francisco to provide such room, attendants, fuel, lights, and stationery, and the expense thereof shall be a charge upon the city. Sessions, where to be held.

Sec. 52. Within ten days after the expiration of every term, the Clerk of this court shall prepare a statement, showing the number of causes and proceedings on the calendar of the term; the number tried or heard, the number determined, the number remaining undisposed of, and the duration of the term; and transmit the same to the Governor. The Governor shall lay the several statements received before the Legislature at the opening of each session. Statement of number of causes, &c.

CHAPTER CXXX.

[LAWS OF 1852, P. 207.]

AN ACT *defining the duties of the Clerk of the Superior Court of the city of San Francisco.*

[PASSED MAY 3, 1852.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Section 1. The Clerk of the Superior Court of the city of San Francisco may appoint one or more deputies, who shall have the same power in all respects as their principal; the appointment shall be in writing, signed by said Clerk, and shall be filed in the office of the Recorder of his County; he may revoke the appointment of any deputy at will, by writing, filed in the same office. The Clerk may appoint Deputies.

Each deputy, before entering on his duties, shall take the oath of office, which shall be endorsed on his appointment.

Bonds.

Sec. 2. The said Clerk may take from each of his deputies a bond, with sureties for the faithful performance of his duties; but the Clerk and his sureties, on his official bond, shall be liable for all the official acts of each deputy.

All process shall
issue in name of
the Clerk.

Sec. 3. All process issued by any Deputy Clerk, shall be issued in the name of the principal.

CHAPTER II.

[LAWS OF 1851, p. 33.]

AN ACT *amending an Act entitled "An Act concerning the Courts of Justice of this State and Judicial Officers."*

[PASSED MARCH 11, 1851.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

* * * * *

Amendment to
section 41.

Section 5. Section forty-one of said Act which reads as follows: "The jurisdiction of this court shall be of two kinds: 1st, Original; and 2d, Appellate," is hereby repealed.

Amendment to
section 42.

Sec. 6. Section forty-two of said Act, which reads as follows: "Its original jurisdiction shall extend to all civil cases in which the amount in controversy exceeds two hundred dollars, exclusive of interest, or which involves the title or possession of real property situated in the city of San Francisco, and its jurisdiction in such cases shall be co-extensive with the jurisdiction of the District Court in like cases," is hereby amended so as to read as follows: The jurisdiction of this court shall extend to all civil cases in which the amount in controversy exceeds two hundred dollars exclusive of interest, or which involve the title or possession of real property situated in the city of San Francisco, and its jurisdiction in such cases shall be co-extensive with the jurisdiction of the District Court in the like cases.

Sec. 7. Section forty-three of said Act, which reads as follows: "Its appellate jurisdiction shall extend to reviewing upon appeal: 1st, a final judgment of the County Court of the County of San Francisco, in an action or proceeding commenced therein, and upon the appeal from such judgment, to reviewing any intermediate order involving the merits, and necessarily affecting the judgment.; 2d, a judgment rendered by the County Court of the County of San Francisco, on appeal from a Justice's or Recorder's Court, in a civil action or proceeding involving the legality of any tax, fees, toll, impost, or license, municipal or other fine, or the possession of real property; 3d, an order made by the County Court of the County of San Francisco, granting or refusing a new trial in an action or proceeding commenced therein or which affects a substantial right in such action or proceeding," is hereby repealed.

Amendment to
section 43.

Sec. 8. Section forty-seven of said Act, which reads as follows: "The special terms shall be devoted to the hearing and determination: 1st, of applications for judgment upon failure to answer, and upon complaint and answer; 2d, of issues of law now pending or hereafter joined in actions or proceedings in this court; 3d, of applications for judgment upon special verdicts; 4th, of cases reserved for argument, or further consideration; 5th, of appeals; 6th, of motions for new trials; 7th, of all other special motions in actions or proceedings in this court," is hereby amended so as to read as follows: The special terms shall be devoted to the hearing and determination: 1st, of applications for judgment upon failure to answer and upon complaint and answer; 2d, of issues of law now pending or hereafter joined, in actions or proceedings in this court; 3d, of applications for judgment upon special verdicts; 4th, of cases reserved for argument or further consideration; 5th, of motions for new trials; 6th, of all other special motions in actions or proceedings in this court.

Amendment to
section 47.

CHAPTER XIV.

[LAWS OF 1851, p. 174.]

AN ACT *dividing the State into Counties, and establishing the Seats of Justice therein.*

[PASSED APRIL 25, 1851.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

* * * * *

San Francisco.

Section 8. County of San Francisco : Beginning at low water mark on the north side of the entrance of the Bay of San Francisco, and following the line of low water mark along the northern and interior coast of said bay to a point due northwest of Golden Rock ; thence due southeast to a point within three miles of high water mark of Contra Costa County ; thence in a southerly direction to a point three miles from and opposite the mouth of Alameda Creek ; thence in a direct line to the mouth of San Francisquito Creek ; thence up the middle of said creek to its source in the Santa Cruz Mountains ; thence due west to the ocean, and three miles therein ; thence in a northwesterly direction parallel with the coast, to a point opposite the mouth of the Bay of San Francisco ; and thence to the place of beginning ; including the Islands of Alcatrazes, Yerba Buena, and the Rock Islands, known as the Farrallones. The seat of Justice shall be at the city of San Francisco.

* * * * *

CHAPTER LXX.

[LAWS OF 1851, p. 322.]

AN ACT to create a Board of Supervisors for the County of San Francisco and define their duties.

[PASSED APRIL 29, 1851.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. There shall be within and for the County of San Francisco a Board of Supervisors, to consist of the Mayor and Board of Aldermen of the city of San Francisco, and of three members to be elected by the rest of the county, in the manner hereinafter provided. Board of Supervisors.

Sec. 2. The County Clerk for said county shall immediately divide that portion of said county which is situated without the limits of the city of San Francisco into three townships, so that each township shall have as near as may be the same number of inhabitants. The electors of each township shall elect one Supervisor. The time of their election and term of their office shall be the same as that of the municipal officers of the city of San Francisco: *Provided*, that the first election shall be held on the second Monday of May, eighteen hundred and fifty-one. Township. Election of Supervisors.

Sec. 3. The Board of Supervisors shall meet at such place as they may determine on the first Monday of every second month, and oftener if they think proper, and their proceedings shall be public. Meetings of Supervisors.

Sec. 4. They shall elect one of their number to act as chairman, who shall have power to administer oaths in all matters touching the business of said Board. Chairman.

Sec. 5. They may appoint a Clerk, who shall receive a reasonable compensation, to be fixed by the Board of Supervisors. He shall keep a record of their proceedings, and all resolutions and decisions concerning the raising or payment of moneys shall be entered on the journal. The vote of each member shall be recorded on every question. Clerk.

Books, &c.

Sec. 6. The books, records and accounts of the Board shall be kept in the office of the County Clerk, and shall at all times be open to public inspection.

Power of Supervisors.

Sec. 7. The Board of Supervisors shall have power, with the consent of a majority of all its members, to make such orders concerning the corporate property of the county as they may deem expedient, and to sell or otherwise dispose of the same, appropriating the proceeds thereof to the use of the county; to audit the accounts of all officers having the management, collection, or disbursement of any moneys belonging to the county; to examine, settle, and allow all accounts chargeable against the county, and to raise such sum as may be necessary for paying the same; to establish townships and election districts, and to alter the same; and in that part of the county not included within the limits of the city of San Francisco, to have the management and control of public roads, ferries and bridges, and to make all necessary orders concerning the same; to impose and enforce a road tax; to organize and support Common Schools by a school tax levied in each district where there are more than fifteen children between the ages of six and eighteen years; to levy and collect an annual tax not to exceed one half of one per cent. on the valuation of all property, real and personal, in the county, for the payment of the accrued debts of the county; to sue and defend on behalf of the county, and to perform all such acts as may be necessary to the discharge of the duties imposed upon them by law.

Election Districts.

Sec. 8. Said Board of Supervisors shall, before the next general election, divide the county outside of the city limits into Election Districts, and shall appoint a Board of Judges of Election for each of said districts. They shall cause to be elected at the next general election, and annually afterwards, a Board of Judges of Election for each ward of the city and each district in the rest of the county.

State and County Taxes.

Sec. 9. Within the city of San Francisco the Board of Supervisors shall cause the State and County Taxes to be assessed upon the valuation made by the City Assessors, and they shall be a Board of Appeals for the equalization of State and County Taxes.

Compensation.

Sec. 10. Each member of the Board of Supervisors shall be entitled to receive for his services for each day's necessary attend-

ance on the business of the county the sum of three dollars, and no member shall be interested in any contract for the county.

Sec. 11. The Board of Supervisors shall have no power to ^{Limitation of} allow any account for rent or clerk hire for any Justice or other ^{power of} county officer, unless expressly provided by law. ^{Supervisors.}

CHAPTER XXXVIII.

[LAWS OF 1852, p. 87.]

AN ACT to create a Board of Supervisors for the Counties of this State, and to define their duties and powers.

[PASSED MAY 3, 1852.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Section 1. There shall be in each county in this State, except the Counties of San Joaquin, Butte, Trinity, Santa Barbara, Nevada, Yuba, Solano, Mariposa, Sutter, Placer, Shasta, Siskiyou, Klamath, and Sierra, a Board of Supervisors to consist of five members except in the County of Napa, where the Board shall consist of three members, to be elected as hereinafter prescribed : *Provided*, that no Justices of the Peace, Clerk, Sheriff, or other county officer, shall be eligible to the office of Supervisor. ^{Counties not required to elect.}

Sec. 2. Said Supervisors, who shall be qualified electors of their respective counties, shall be elected at the next general election, and at the general election of every subsequent year, by the qualified voters of their respective counties, and shall hold office for the term of one year from the period of their election, or until their successors shall be qualified : *Provided*, that in the Counties of Sonoma, Santa Clara, Los Angeles, Contra Costa, Sacramento, El Dorado, Santa Cruz, and Tuolumne, a Board of Supervisors shall be elected on the second Monday of June next, who shall continue in office until their successors are qualified. ^{Time of election.}

Sec. 3. The Board of Supervisors shall meet at the county seat of their respective counties on the first Monday of the ensuing month after their election, and the first Monday of each third ^{Board required to meet.}

month thereafter ; and also on the second Monday after each general election, and oftener, if in their judgment the affairs of the county require it ; and their proceedings shall be public.

Election of
Chairman and
duty of Clerk.

Sec. 4. They shall elect one of their number as chairman of the Board. The clerk of said Board shall keep a full and complete record of all the proceedings transacted by them while sitting, or otherwise ; and all their proceedings shall be entered in the journals, and the vote of each member shall be recorded on every question where there is a division.

is compensa-
on.

Sec. 5. The clerk shall receive a reasonable compensation for his services, to be fixed by the Board of Supervisors, in no case to exceed five hundred dollars a year.

Books and
accounts of the
Board open to
inspection.

Sec. 6. The books, records, and accounts of the Board shall be kept in the office of the County Clerk, and shall at all times be open, free of charge, to public inspection.

Powers, duties
and responsi-
bilities of Board of
Supervisors.

Sec. 7. The Board of Supervisors shall have power, with the consent of a majority of all its members, to make such orders concerning the property of the county as they may deem expedient, and to sell and otherwise dispose of the same, appropriating the proceeds thereof to the use of the county ; to audit the accounts of all officers having the management, collection, or disbursements of any moneys belonging to the counties ; to examine, settle, and allow all accounts chargeable against the county ; to have the management and control of all public roads, ferries, highways, bridges, and the opening of new roads, and to make all necessary orders concerning the same ; to establish townships and election districts, and to alter or modify the same ; to appoint judges and inspectors of elections ; to purchase or receive any property necessary for the use of the county ; to erect or lease a court house, jail, and such other public buildings and improvements as may be necessary for the use of the county ; to take care of and provide for the indigent, sick, and insane in counties where there is no public hospital ; to levy and collect an annual tax, not to exceed one half of one per cent. on the valuation of all property, real and personal, in the county, for the payment of the debts of the county ; to ascertain and determine with a jury, or by consent of parties without a jury, the just compensation to be made to the owners of private property taken for public use ; to sue and defend on behalf

of the county ; and to perform all such acts as may be necessary to the discharge of the duties imposed upon them by law.

Sec. 8. The Board of Supervisors shall also act as a Board of ^{Board of Canvassers.} Canvassers, and declare the election returns ; and during the vacation of the Board, if necessary, the County Judge shall be authorized to appoint precincts and officers of election in manner as provided for by law : *Provided*, that the returns of the election for Supervisors shall be canvassed and declared by the County Judge, County Clerk and Sheriff, acting as a Board.

Sec. 9. The Board of Supervisors shall require from the County Treasurer, and other officers charged with the collection of any revenue or moneys belonging to the county, a quarterly report of all collections and disbursements made by them. The Board of ^{Board of Supervisors.} Supervisors shall see that the County Treasurer, and other officers as aforesaid, faithfully perform all their duties with regard to the revenue, money, and property of the county, and shall have power to prosecute them for any and all delinquencies or neglect in the discharge of their duties while in office ; and shall from time to time, when acting as a Board, examine the books and vouchers of the County Treasurer, Sheriff, Assessor, and all other officers engaged in the collection or disbursement of the moneys of the county. ^{Their duties.}

Sec. 10. The Board of Supervisors within the different counties shall cause the State and county taxes to be levied upon the valuation made by the County Assessors ; and it is made the duty of the respective Assessors of each county to furnish the Board of Supervisors a certified copy of the assessment made by them of all taxable property within the county, on or before the first Monday in July, annually, for which they shall receive such compensation as the Board may deem just. ^{Report of County Assessor.}

Sec. 11. The Board of Supervisors shall, within sixty days after they enter upon the discharge of their duties, ascertain the amount of the then existing debt of the county, and the amount and condition of all property belonging to the county. ^{Duty of the Supervisors.}

Sec. 12. The Board of Supervisors shall constitute a Board of ^{Board of Appeals.} Appeals for the equalization of taxes, and for that purpose they shall meet on the first Monday in July, annually, and continue in session for such time as they may deem necessary to transact the business of the county.

Debts and liabilities.

Sec. 13. The Board of Supervisors shall have no power to contract any debts or liabilities which in the aggregate shall exceed the estimated annual revenue of the county, for county purposes.

County Clerk to be Clerk of Board.

Sec. 14. The County Clerk shall, *ex officio*, be the Clerk of the Board of Supervisors, and perform the duties enjoined by this Act.

Compensation of Supervisors.

Sec. 15. Each member of the Board of Supervisors shall be entitled to receive for his services for each day's necessary attendance on the business of the county the sum of five dollars per day, and twenty-five cents per mile, in going to the county seat from his residence; and no member shall be interested in any contract for the county.

Jurisdiction of the Court of Sessions repealed.

Sec. 16. From and after the election of a Board of Supervisors in any county, as herein provided for, the Court of Sessions shall cease to exercise any of the powers or jurisdiction given to the Board of Supervisors in this Act.

Expenses of Board of Supervisors.

Sec. 17. The Board of Supervisors shall have no power or authority to allow any account for office rent or clerk hire for any Justice of the Peace, or other Town, County or State officer, unless specially directed so to do by law.

Conflicting Acts repealed.

Sec. 18. The provisions of "an Act to create a Board of Supervisors for the County of San Francisco, and define their duties," passed April twenty-ninth, one thousand eight hundred and fifty-one, so far as they conflict with or are restricted by the provisions of this Act, shall be and continue in force the same as if this Act had not been passed; but where the provisions of this Act are cumulative to those of the first Act aforesaid, they shall also apply to the County of San Francisco.

Conflicting Laws.

Sec. 19. That this Act shall not apply to those counties in which there are, or hereafter may be, Boards of Supervisors created by special Act, except as especially provided for in this Act.

The same.

Sec. 20. The sixty-ninth section of the Act, entitled "an Act concerning Courts of Justice in this State and Judicial Officers," approved March eleventh, one thousand eight hundred and fifty-one, is hereby repealed, so far as the same conflicts with the provisions of this Act.

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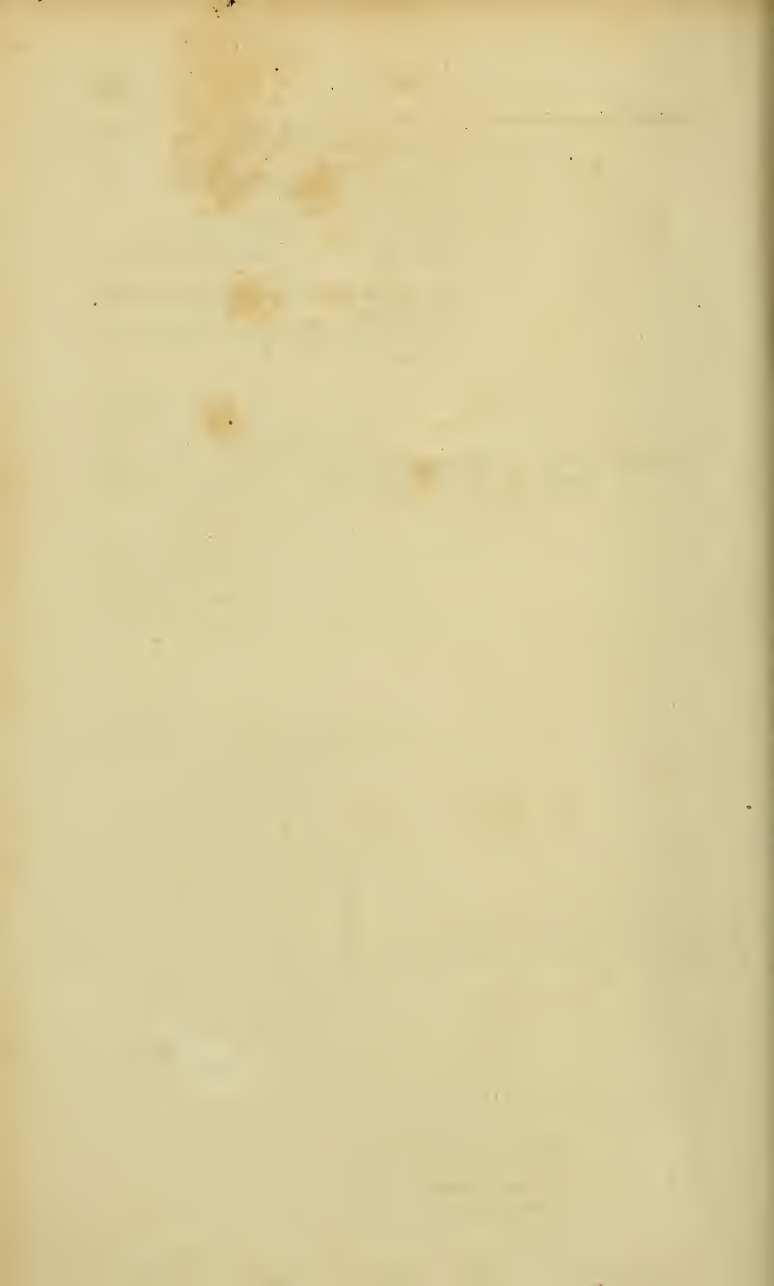
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